

The University of Chicago

THE PHYSIOCRATIC CONCEPTION
OF NATURAL LAW

A DISSERTATION SUBMITTED TO THE
FACULTY OF THE DIVISION OF THE
HUMANITIES IN CANDIDACY FOR THE
DEGREE OF DOCTOR OF PHILOSOPHY

DEPARTMENT OF PHILOSOPHY

JUNE, 1940

By

JOHN ARTHUR MOURANT

CHICAGO, ILLINOIS

1943

The University of Chicago

THE PHYSIOCRATIC CONCEPTION
OF NATURAL LAW

A DISSERTATION SUBMITTED TO THE
FACULTY OF THE DIVISION OF THE
HUMANITIES IN CANDIDACY FOR THE
DEGREE OF DOCTOR OF PHILOSOPHY

DEPARTMENT OF PHILOSOPHY

JUNE, 1940

By
JOHN ARTHUR MOURANT

CHICAGO, ILLINOIS

1943



TABLE OF CONTENTS

	Page
INTRODUCTION	1
 Chapter	
I. FUNDAMENTAL ASSUMPTIONS AND CONCEPTIONS	8
II. THE NATURAL LAW	17
The Natural Law and the Physical Order	
Property as a Natural Right	
Rights and Duties	
Harmony of Interests	
III. APPLICATIONS OF THE NATURAL LAW	47
Application of the Natural Law to the Political Order	
Application of the Natural Law to the Economic Order	
Laissez Faire and Liberalism	
BIBLIOGRAPHY	70



Digitized by the Internet Archive
in 2026

INTRODUCTION

The Physiocrats comprised a group of philosopher-economists who flourished in France in the latter part of the eighteenth century.¹ The illustrious Quesnay, the "Confucius of Europe," physician at the court of Versailles and economist and philosopher by predilection, was the founder of the school. The doctrines of the school first took issue from the publication in 1756 of Quesnay's articles on Fermiers and Grains in Diderot's Encyclopedia. In the following year appeared Quesnay's famous Tableau Economique, which set forth in mathematical form the essence of his economic theory. In this same year occurred the meeting between Quesnay and Mirabeau, who was gradually won over to the ideas of Quesnay and became by 1760 his most enthusiastic disciple. Within the next several years the school flourished considerably adding to its adherents Du Pont de Nemours, Le Trosne, L'abbé Baudeau, Mercier de la Rivière, several minor disciples, and numerous friends and sympathizers--chief of whom was the great Turgot.² By 1767 the major works of the Physiocrats

¹The origin of the term Physiocratie is reported by Weullerrse in the following manner:

"Le mot physiocratie a sans doute été inventé par Quesnay, grand amateur de grec et de mots composés; il a été lancé dans la circulation par Dupont; mais c'est Baudeau qui semble l'avoir écrit le premier. Dans les Ephémérides d'avril 1767, l'abbé critiquant le livre d'Auxiron, en vient à dire que l'auteur a plutôt ignoré que combattu les principes de la Physiocratie, c'est-à-dire de l'ordre naturel et social fondé sur la nécessité physique et sur la force irrésistible de l'évidence." Ce mot que Baudeau avait employé en passant, dont il avait pris cependant la peine de déterminer le sens avec précision, Dupont s'en empara pour en faire le titre de son recueil" (Georges Weullerrse, Le Mouvement Physiocratie [Paris, 1910], I, 128).

²The question of the inclusion of Turgot among the Physiocrats is highly debatable. He had much in common with the Physiocrats. He sympathized with their aims and accepted much of their doctrine. As finance minister he extended his protection and support to the school and was a close friend of Du Pont. But at the same time he wished to be independent of all sects. The following letter of Turgot is revealing of his attitude and his relation to the school:

"I deeply sympathize in all your troubles, otherwise I

had appeared and their doctrines had been more or less completely formulated and systematized. This year also marked the conversion of Baudeau and the use of the Ephémérides under his editorship for the purpose of propaganda.¹ And again, the year 1767 witnessed the formation of the group into a party or sect initiated in part by Mirabeau's leadership in bringing the group and its friends together in weekly meetings held at his home. As he recounts this venture:

De ma part je fondai chez moi un dîner et une assemblée tous les mardis. J'y recus tous les étrangers qui viennent voir le baton flottant sur l'onde, les magnats qui me viennent voir, et surtout la jeunesse. C'est de ces assemblées, qui ont été fructueuses à l'excès, que nous est venu le nom d'Economistes.²

All in all the year 1767 marked the zenith of the fortunes and the prestige of the Physiocrats. Their doctrines were widely accepted by many outside of their own immediate circle; they were favored by government officials and found support in numerous agricultural societies and from several of the Parlements. In good part this support and favor was due to the hope that was held out in their doctrines for the solution of the economic ills

would be angry with you, for you have astonished me by altering part of my work and especially by adding phrases that are not written in my manner nor in accordance with my ideas. It is a real wrong that you have done me and I want to make you realize how angry it made me when I read it and how angry I still am, so that you may never again make that mistake with anyone, for certainly no one will write for you if he is to be treated in that way. In spite of my friendship for you I would not have given you my work if I had supposed you would change it. I insist that you follow my manuscript exactly and that if you have not already done so, you print the corrections. Of course I will pay the expense. I insist also on having the corrections made in all three places for the copies that I asked you to have printed separately. Now that you are notified I warn you that if you do not make that explanation I will have a letter printed in the Mercur disavowing the additions which all tend to prove me an Economiste--which I no more want to be considered than I want to be thought an Encyclopediste" (B. G. Du Pont, Du Pont de Nemours [New York, 1933], p. 78).

¹Of the various journals used by the Physiocrats to express their views the Ephémérides du Citoyen was the most important. For a time the Journal d'Agriculture under the editorship of Du Pont served as an organ of propaganda, but after Du Pont was forced to give up his position as editor, the greater bulk of the essays of the Physiocrats appeared in the Ephémérides which continued to flourish until 1770.

²Weulerrse, op. cit., I, 132.

under which the country was suffering at that time.

The next few years brought opposition to their teachings notably from such men as Grimm, Voltaire, Forbonnais and Mably. By 1770 the school was in decline and no longer possessed the prestige it had enjoyed in 1767. The Ephémérides were no longer being published, Quesnay's career was about over and Du Pont had gone to Poland. Yet these were not the factors that led to the decline. Criticism merely inspired the Physiocrats to greater activity and for a time they had the support of Turgot as finance minister. But even the genius of Turgot was not sufficient to overcome the strong resistance of the privileged classes of France to reform, and added to this was a series of bad harvests which did incalculably more to injure the cause of the Physiocrats than the sarcasm of Voltaire or the logic of Mably. Before much longer the activities and the principles of the school were lost sight of in revolutionary movements that swept over France.¹

The immediate aim of the Physiocrats was the creation of an economic philosophy and program which could be applied not only to the rectification of the economic ills of France but which would serve also as a science of the natural and social order. The basis of their philosophy is to be found in their conception of natural law, in their belief that the natural law which governs the relations of physical events in nature may also be applied with the same scientific exactitude to the social order. They believed that the social order is based upon the physical order and that by applying reason and method to it we can discover its immutable laws and thus create a new science--that of economics. The natural law they believed would lead us to the moral laws which govern human society, to a legal despotism governing the political order, and to the laws of production governing the economic order.

Without endeavoring to trace the exact connections between the ideas of the Physiocrats and those of their predecessors, we can at least set forth in a rather general fashion the philosophical and economic backgrounds of the school.

¹The relations between the principles and the reforms proposed by the Physiocrats and those which were enunciated during the French revolution I shall leave to other scholars. For those who are interested in this problem I might say that the career of Du Pont in this stormy period affords much insight.

The fact that the Physiocrats belong to the eighteenth century affords us some insight into the general character of their philosophy. The philosophy of the eighteenth century in France was generally concerned more with social and political problems than with metaphysical. Thus although their conclusions are different the Physiocrats owe much to the work of Montesquieu.¹ Du Pont sums up his influence in the following words:

L'époque de l'ébranlement général qui a déterminé les esprits à s'appliquer à l'étude de l'économie politique, remonte jusqu'à M. de Montesquieu. Ce furent les éclairs de son génie qui montrèrent à notre nation encore si frivole, que l'étude de l'intérêt des hommes en société pouvait être préférable aux recherches d'une métaphysique abstraite, et même plus constamment agréable que la lecture des petits romans.²

Instead of being interested in metaphysical speculation the philosophers of this period placed all their faith in science and mathematics, in the efficacy of common sense and reason. They were optimistic in their belief that reason could solve all the problems of humanity, that reason should be the basic principle of religion, morality, and politics. But this faith in reason did not mean essentially a continuation of the Cartesian tradition. By the middle of the eighteenth century that tradition had been weakened and modified by the scientific and materialistic interests of the day. Of considerable importance in this connection was the philosophy of John Locke with its emphasis on experience and the empirical origin of our ideas. Locke's influence was extensive; Voltaire declares that there has been no other philosopher since Plato, and Diderot will say of him: "Locke's philosophy, compared with that of Descartes or with that of Malebranche, is history compared to fiction."³ The Physiocrats fell heir to this admiration for Locke. They mention him more frequently than any other foreign writer and were particularly indebted to him for their ideas on property.

¹See for example the comparison that Mirabeau makes between his doctrine and that of Montesquieu in the Lettres sur la Legislation (Berne, 1775), II, 621-23.

²Weulerrse, op. cit., p. 24.

³Quoted by Daniel Mornet, French Thought in the Eighteenth Century, trans. Lawrence Levin (New York, 1929), p. 177.

The materialistic influence came to the Physiocrats largely through the writings of such men as Diderot, La Mettrie and Helvetius. The scientific influence on their writings came in part from the work of men like Descartes, Fontenelle, Buffon and D'Alembert.

Except for their political conservatism and their rejection of Deism and Atheism, the school as a whole was not only influenced by these general features of the philosophical movement of the eighteenth century but accepted them.

In view of the number of excellent and authoritative accounts of the economic background and origins of the Physiocratic school we may limit our treatment of this subject to a few brief remarks.¹

Although the Physiocrats were not the first to write on the subject of economics they may be regarded as the founders of the science of economics. The writers who preceded them confined themselves for the most part to essays on different economic subjects, e.g., money, agriculture, and commerce. None of these writers created a systematic exposition of economic thought and none of them attempted to place economics on a scientific basis. The originality of the Physiocrats lay in their vision of economics as a science and in their conception of the Impot Unique. For the rest, their views on money, commerce, agriculture, etc., had already been brought out in different ways by some of their predecessors.

The Physiocrats recognized the origins of their thought in Sully, for whom they had great admiration.² This admiration of theirs was enhanced when they contrasted the work of Sully with that of Colbert, for Sully was primarily concerned with the promotion of agricultural prosperity, while Colbert had given his attention almost exclusively to industry and trade. Weulerrse justly remarks that the period of Colbert marked a reversal of the natural order for the Physiocrats.

Turning more closely to the period in which the Physiocrats wrote we find that the first half of the eighteenth century

¹See particularly here the excellent work of Weulerrse whom we have already cited and to whom we are indebted for our material on the origins and development of the Physiocratic school.

²Mirabeau, op. cit., I, 209-10.

marked the appearance of the economic writings of such men as Vauban, Boisguillebert, Dupin and the Marquis d'Argenson among many others. For the most part these writers were critical of the economic policies of the government and pointed to many of the existing economic evils such as monopoly, the restrictions on internal commerce, the decline of the price of grain, the financial distress of the kingdom, and the deplorable state of agriculture in France. They offered but little in the way of constructive reform and certainly created no systematic economic doctrines.

By the middle of the century two important influences appear in the economic thought of the time which had direct bearing on the rise of the Physiocratic school. One of these is the work of Gournay and the second is the introduction of English economic thought to France. Gournay had been made the Intendant of Commerce in 1757 and used his position to encourage economic reforms and economic writings. Although he did not found a school of economic thought he was highly influential and gathered around him many disciples. He encouraged Herbert's publication of his Essai sur la police des grains in 1753. He associated with himself in the work of administration such men as Marchault d'Arnouville, Moreau de Sechelles, and Daniel Trudaine.

It was Gournay who was responsible for the influence that English economic thought had in France at this time. He translated the work of Child on Interest and gave currency to the ideas of men like Davenant, Petty and Cantillon.¹

The importance of Gournay and his group consists then in their active work for economic reforms, their contributions to economic thought and their publications of both English and French economic writings of the earlier part of the century. Gournay may be regarded as the outstanding immediate precursor of the Physiocratic movement, but he is definitely not one of the Physiocrats.² Gournay died in 1758, the year of the publication

¹Cantillon was probably the most influential of the English writers for the Physiocrats. His views on commerce and more particularly his idea of the exclusive productivity of agriculture were acclaimed by the Physiocrats.

²On the differences between the Physiocrats and Gournay and the whole question of his relation to the school, see the detailed and thorough discussion by Secrestat-Escande in his Les Idées économiques de Vincent de Gournay (Bordeaux, 1911).

of Quesnay's Tableau Economique. Whether or not Gournay knew of the Tableau Economique one thing remains certain, that Quesnay and his school owed much to Gournay, and from the heritage that Gournay and others left them the Physiocrats proceeded to create the science of economics.

My own immediate purpose in the following chapters is to analyze the philosophical and economic thought of the Physiocrats in order to set forth an exposition of their doctrine of natural law and to consider some of the political and economic implications of that natural law doctrine. Although the study centers entirely around their conception of natural law, a complete analysis and development of this concept will afford us an excellent and comprehensive view of their whole philosophical position.

CHAPTER I

FUNDAMENTAL ASSUMPTIONS AND CONCEPTIONS

An exposition of the fundamental assumptions and conceptions of the Physiocratic doctrine will enable us to grasp with greater clarity their analysis of the natural law. My purpose in this chapter is to set forth briefly certain assumptions which the Physiocrats make concerning the natural order, their conception of the manner in which we know this natural order, what degree of certitude we have in our knowledge of the natural order, and finally their conceptions of the nature of man and society.

The Physiocrats do not set forth any systematic metaphysical doctrines. They accept God as the creator of the natural order and the natural laws. They do not question the existence of God nor do they endeavor to supply any proof for His existence. They assume a universe that is fundamentally material or physical in character and which follows rigorously and necessarily certain natural laws. This universe is essentially good and any violation of the order of the universe by man will lead to evil consequences. Thus Quesnay will say:

Cependant, si on examine ces règles avec attention, on apercevra au moins que les causes physiques du mal physique, sont elles-mêmes les causes des biens physiques: que la pluie, qui incommode le voyageur, fertilise les terres: et si on calcule sans prévention, on verra que ces causes produisent infiniment plus de bien que de mal, et qu'elles ne sont instituées que pour le bien; que le mal qu'elles causent incidemment résulte nécessairement de l'essence même des propriétés par lesquelles elles opèrent le bien. C'est pourquoi elles sont, dans l'ordre naturel relatif aux hommes, des lois obligatoires que pour le bien; elles nous imposent le devoir d'éviter, autant que nous le pouvons, le mal que nous avons à prévoir par notre prudence.¹

This belief of the Physiocrats in the goodness of the universe is an expression of the rationalistic optimism that was so prevalent in their day, and is not the result of any explicit deductions

¹Francois Quesnay, Oeuvres, ed. Oncken (Paris, 1888), p. 368.

from a metaphysical system.

With respect to our knowledge of the natural order and the certainty of that knowledge we find that the Physiocrats assume that all our knowledge is based upon sensation and that there is a complete correspondence between our sensations and the objects of the natural order. Even the most abstract truths, what Quesnay calls les vérités purement idéales, rest upon les vérités réelles which constitute our sensations.¹ The degree of certainty we have respecting our knowledge rests upon the clarity and distinctness of our sensations. Thus Quesnay will define évidence in the following manner:

Le terme évidence signifie une certitude si claire et si manifeste par elle-même, que l'esprit ne peut s'y refuser.

... L'évidence résulte nécessairement de l'observation intime de nos propres sensations. ...

Ainsi, j'entends par évidence, une certitude à laquelle il nous est aussi impossible de nous refuser qu'il nous est impossible d'ignorer nos sensations actuelles.²

Observe here that the guarantee for these clear and distinct sensations rests upon the Physiocratic assumption that our sensations are a direct result of the natural order and correspond to that order.

Frequently, the Physiocrats appear to use the term lumière or light as a criterion for the evidence of any truth. They seem to feel that men come to acquire certitude by means of a light of reason or through the light of the moral laws that reside within men. Certitude or évidence acquired in this way would be acceptable to the Physiocrats but would not be sufficient nor conclusive for them. Their position is brought out very admirably by Le Trosne when he says:

Mais il est deux manières d'amener l'homme à la connaissance des loix morales, et elles ne doivent jamais être séparées l'une de l'autre. La première à laquelle se sont bornés les philosophes, consiste à éclairer son esprit par l'éclat de la vertu; à faire briller à ces yeux cette lumière à laquelle il ne peut se refuser; à lui montrer la convenance

¹The only complete account in the writings of the Physiocrats of this sensationalistic theory of knowledge and truth is to be found in Quesnay's article on Evidence, op. cit., pp. 764-97.

²Ibid., pp. 764-65. See also Mercier de la Rivière, L'ordre naturel et essentiel des sociétés politiques (Paris, 1910), p. 45; Gustave Le Trosne, De l'ordre social (Paris, 1777), p. 306.

qu'elle a avec la volonté de Dieu, qui est la loi souveraine manifestée aux hommes par la raison. L'autre serait d'agir en quelque sorte sur sa volonté, en même temps qu'on éclaire son esprit; d'appeller au secours de la vertu l'intérêt, dont la voix est si puissante sur lui, et de lui montrer ce motif toujours déterminant, tellement lié avec l'observation de l'ordre qu'il ne peut le chercher ailleurs.

Or on ne peut y parvenir qu'en découvrant aux hommes le rapport des vérités morales avec l'ordre social, et la dépendance où est l'ordre social de l'ordre physique. Sans cette base la connaissance spéculative du droit naturel, tel que les philosophes l'ont enseigné, est absolument inefficace pour procurer le bonheur social.¹

This statement of Le Trosne resolves very definitely what might appear to be contradictory tendencies in the thought of the Physiocrats and at the same time indicates conclusively what is fundamental in the epistemology of the Physiocrats. Their methodology is twofold in character. The first method bases the evidence for any truth upon the clarity and distinctness of our sensations. The second method bases the evidence for any truth upon an inference from the sensations and interests of men. Speculative knowledge, the appeal to a light of reason or virtue is inadequate. The certitude of our knowledge must be based on more practical grounds. The evidence of the natural law, or of any truth, depends ultimately upon its coincidence with the interests of men. Mirabeau brings this out very explicitly when he says:

Notre métaphysique ne se livre pas à ces exercices scholastiques, qui surpassent les lumières de la raison humaine; elle se borne à la certitude de l'existence de nos idées, quand nous en avons la sensation, et à la certitude de l'indication des causes et des effets, quels qu'ils soient, qui font du bien ou du mal; et des moyens par lesquels nous pouvons nous procurer l'un et éviter l'autre. Ainsi l'évidence dont il s'agit ici, n'a pas simplement pour objet la certitude spéculative; c'est une évidence d'intérêt.²

How the Physiocrats apply this criterion of interest we shall discover later when we show how they apply it to the harmonization of the interests of men. For the present it is sufficient to state that their theory of knowledge is realistic, sensationalistic and pragmatic in character.

The Physiocratic analysis of the nature of man concerns itself almost entirely with the social and physical character of man. Thus Mercier declares that man is essentially a social

¹Op. cit., pp. 78-79.

²Op. cit., III, 828. See also Mercier, op. cit., p. 47.

creature. This he endeavors to prove by showing the existence of certain sentiments that man possesses, such as compassion, good will, etc. He believes that the social nature of man is proved by the fact that we have received from God an intellect which could not develop except in society. Again Mercier will argue for the social nature of man from the fact that man is born and dies in society. This position that man is a social creature is also concurred in by the other Physiocrats.¹

The Physiocratic analysis of the physical nature of man is confined to a consideration of the motivation of man's actions and a conception of the ultimate goal of these actions. Man as a physical being is motivated by his desires and selfish interests. The primary obligation of man's existence is his self-preservation. The motive force behind this obligation is the desire on the part of man for the pleasure that accompanies existence and the desire to avoid the pain of death. To maintain himself man must acquire certain physical goods which will enable him to preserve himself and to perpetuate the species. The acquisition of such physical goods can be achieved only if we admit that man is a selfish creature motivated by selfish interests. If we eliminate the selfish interests of man we eliminate the cause or the motive force for all men's action. And we would eliminate too the very possibility of society, for society, as we shall see later, results from the selfish interests of men.

The ultimate goal of man is happiness. The Physiocrats tend to identify happiness with pleasure--with the pleasure that accompanies the acquisition of those physical goods necessary for man's existence and the perpetuation of the species. This does not mean, however, that any transitory satisfaction of desires will suffice to procure happiness for man. Man possessing reason and foresight will look to more permanent pleasures, he will endeavor to secure by means of his foresight a lasting happiness resulting from an ordering of his desires and their satisfaction. As Mirabeau puts it:

On croit communément que le besoin est le principe de la volonté que nous appelons desir. C'est confondre l'homme

¹Mercier's argument will be found in his L'ordre naturel, pp. 3-4. Le Trosne's position will be found in his L'ordre social, pp. 13-14. See also Marquis de Mirabeau, Lecons Economiques (Amsterdam, 1770), pp. v-vi.

avec la brute que d'en juger ainsi. La brute n'a de desirs que ses appétits actuels; l'homme a des vues plus étendues sur le bonheur, et n'a, pour ainsi dire, d'appétits qu'en distraction de son attrait dominant, qui est de désirer la jouissance d'une félicité accomplie et continuelle, sans démêler bien distinctement l'objet de son désir et le but de sa jouissance. C'est le caractère distinctif et supérieur de l'espèce humaine.¹

But in order to attain this félicité accomplie et continuelle it is necessary for man to acquire an abundance of economic goods. Consequently, Mercier defines happiness more objectively in the following terms: "Humainement parlant, le plus grand bonheur possible consiste pour nous dans la plus grande abondance possible d'objets propres à nos jouissances, et dans la plus grande liberté possible d'en profiter."²

This conception of happiness as an abundance of economic goods enables the Physiocrats to hope for the realization of this end through the instrumentality of society.

The Physiocrats regarded society somewhat differently than some of their predecessors and contemporaries. Many of the philosophers of this period looked upon society as an achievement of man by means of a social contract. They make a sharp distinction between the natural and the social order, they glorify or condemn the natural order, and they suppose the creation of the social order out of the natural order through the instrumentality of a social contract. The Physiocrats make no such sharp distinction between a natural order and a social order. True, they speak of a natural order and a social order but they tend to identify the two, or better, they regard the social order as merely a more complex outgrowth of the natural order. The social order arises by a natural process out of the natural order and does not presuppose any social contract. Man does not need any social contract for man is already fundamentally a social creature. True, man did exist in a state of nature, but a state of nature that was essentially social in character. The different states in which man finds himself are to be distinguished according to their complexity, not according to the dichotomy of natural and social. To justify these statements permit me to quote from the

¹Marquis de Mirabeau, Philosophie Rurale (Amsterdam, 1766), II, 14.

²Op. cit., p. 20.

Physiocrats on these points: "L'état de Société n'est donc point pour l'homme un état de choix et convention, que les reflexions et les circonstances aient introduit: c'est un état nécessaire, primitif, et institué par la nature."¹ And Quesnay in considering the theoretical possibility of man in a state of solitude declares: "Mais cet état ne peut subsister que le temps de la durée de la vie de chaque individu; ou bien il faudrait supposer que ces hommes vivraient au moins, chacun avec une femme, dans leur retraite; ce qui changerait entièrement l'hypothèse de leur état de solitude; car cette association, d'une femme et des enfants qui surviendraient, admettrait un ordre de dépendance, de justice, de devoirs, de sûreté, de secours réciproques."²

The preceding statements are sufficient to show that the Physiocratic doctrine did not admit of any social contract theory. This point is further attested by the statement of Cheinisse, who declares that all of the Physiocrats rejected the idea of the social contract. He quotes from Baudeau to this effect because at one time Baudeau had accepted the idea of the social contract: "Cette phrase banale si souvent répétée par la tourbe de nos écrivains 'quand les hommes se réunissent en sociétés' n'exprime qu'une chimère absurde, tout mortel de notre espèce étant né dans une société dont il était l'effet et non la cause."³

Finally, we may indicate that the different stages of society are revealed quite explicitly in the works of the Physiocrats. Thus Mercier distinguishes between what he terms a "natural" society, a "general" society, and a "tacit" society:

Nous avons vu ces sociétés naître de la nécessité de multiplier les subsistances par la culture: tant que les hommes ont été assez peu nombreux pour pouvoir subsister des productions spontanées de la terre, il n'existait entre eux qu'une société naturelle, générale et tacite; société naturelle, parce qu'elle consistait en ces premiers droits respectifs que la nature a établis sur les premiers devoirs dont elle a grevé notre existence; société générale, parce que ces devoirs et ces droits liés au physique de notre

¹Gustave Le Trosne, Discours sur l'état actuel de la magistrature (Paris, 1764), p. 60.

²Op. cit., p. 371. See Mirabeau, Leçons Economiques, p. 51. See also Du Pont de Nemours, De L'origine et progres d'une science nouvelle (Paris, 1910), p. 8.

³Leon Cheinisse, Les Idées Politiques des Physiocrates (Paris, 1914), p. 38.

constitution, étaient les mêmes pour tous les êtres de notre espèce, et dans tous les lieux où des hommes errants pouvaient se transporter; société tacite, parce qu'elle se trouvait établie sans aucune convention expresse; sa justice et sa nécessité étaient sensibles à chaque homme en particulier; elle existait enfin par la seule impossibilité physique et évidente que sans elle le genre humain put se multiplier et se perpétuer.¹

And Le Trosne draws a distinction between a natural and a civil society: "Avant la société civile existait la société naturelle et primitive; et cette société avait pour loix la liberté et la propriété."²

It is important to note two essential characteristics in these Physiocratic considerations of the nature of society. First, that the stage of any society, its degree of complexity, is dependent on certain physical causes. Society comes into existence in a natural way in response to the needs of man. A simple form of society exists where the needs of man and his desires are few in number and where they can be satisfied by a simple form of organization, for example, the family. But when the economic order becomes more complicated, when the cultivation of the soil is carried out on a large scale, when the population of a given district increases and the needs of the population are greater, then a more complex type of society will evolve in response to these physical causes. Along with this increasing complexity of society will go the development of different types of property and the creation of new duties and rights between men. This last point is developed to a considerable extent by Mercier. He links very definitely the different kinds of property to the different stages of society. Thus he points out that in the more primitive stage society is characterized by the possession of mobiliary property. In a more advanced stage we have an agricultural society with the landed proprietor appearing. Where such landed interests and landed property rights appear society will necessarily become more complex because such rights create a greater number of duties to others and a need for the supervision of these rights and duties by an authority.³

Le Trosne very definitely traces the beginnings of civil society to the appearance of agriculture:

¹Op. cit., pp. 241-42.

²De l'ordre social, p. 44.

³Op. cit., p. 45.

La culture fut le berceau de la société; elle rapprocha les hommes par la communication des secours mutuels; elles les multiplia par la facilité et l'accroissement des subsistances. . . . Mais la culture n'a pu enrichir les hommes sans leur faire éprouver un plus grand besoin de protection et de sûreté, et les forcer de chercher dans la confédération civile le seul moyen de mettre leurs propriétés à couvert des entreprises de la force privée, et d'assurer un pouvoir irrésistible aux lois de la justice.

C'est donc la culture qui a jetté les premiers fondements de la société civile, qui s'est affermie et perfectionnée avec elle.¹

Society then is a result of physical necessity and constitutes a part of the physical order instituted by God. It is formed and determined by physical causes, composed of physical beings, maintained by physical means, and possessed of certain physical ends and objectives.

Second, it is important to bear in mind that the social order does not deprive man of any of his rights. The conception of many of the contemporaries of the Physiocrats that man in forming the social contract agreed to give up his natural rights when he entered into relations with other human beings is definitely rejected by the Physiocrats. For them the social order is definitely based on the natural order and what we call a civil society or a political state is but a more complex development of the natural order. Consequently, instead of our rights being denied in the state they are retained and even extended because new social relations entail new duties and these in turn imply more rights. According to Du Pont the great achievement of Quesnay was to prove: "contre l'unanime opinion de tous les philosophes et de tous les publicistes qui l'avaient précédé qu'il n'était pas vrai que les hommes, en se réunissant en société, eussent renoncé à UNE PARTIE de leur liberté et de leur droits pour s'assurer l'autre; que jamais ils ne se sont confédérés pour y perdre, mais, au contraire, pour y gagner, pour garantir et pour étendre l'exercice et la jouissance de TOUS leurs droits."²

In this manner is laid the basis for that extreme indi-

¹L'ordre social, pp. 44-45. See also Quesnay, op. cit., pp. 372-73.

²Du Pont de Nemours, Correspondence avec J. B. Say, Physiocrates, ed. Daire (Paris, 1846), pp. 395-96. See also Le Trosne, L'ordre social, p. 40.

vidualism which the Physiocrats professed--an individualism which is curiously combined with their insistence upon the social nature of man. For the Physiocrats society is merely a means--a means to create and increase the wealth of the individual and to protect and secure his private property. The full import of this view for their doctrine we shall not examine here, but will defer for a later consideration after we have analyzed their conception of natural law and its implications.

CHAPTER II

THE NATURAL LAW

In order to clarify our analysis and exposition of the natural law doctrine of the Physiocrats we shall divide the material of this chapter into four parts and consider in order: First, the attempt on the part of the Physiocrats to equate the moral and the physical order and to derive the natural law from the physical order; second, their treatment of property as a natural right and their effort to base this natural right upon the natural law; third, their consideration of the relation between rights and duties and the relation of these rights and duties to utility and to the natural law; and lastly, their effort to harmonize the desires and interests of men with conflicting rights and duties, or more briefly to attain social solidarity.

The Natural Law and the Physical Order

In constructing a natural law doctrine that would be free from theological connections and in accordance with the scientific traditions of the time, the Physiocrats thought it necessary to base such a natural law on the physical nature of things. They were not the first to follow this procedure. Thus Cumberland in England had already attempted much the same sort of thing, and Cumberland was an acknowledged inspiration to the Physiocrats. In the Ephémérides we read: "On voit qu'il ne manquait à cette doctrine que d'expliquer par l'ordre physique comment s'opère le bien de tous. Le bon évêque de Peterborough est un des plus dignes precurseurs de la science."¹

The insistence by the Physiocrats upon an explanation of the natural law in accordance with the physical order is a reflection of their realistic and scientific temper of mind. All of the Physiocrats were practical men with practical or scientific

¹Ephémérides (1767), II, 181.

interests, and their theory of knowledge is definitely realistic and sensationalistic as we have indicated. Finally, all the Physiocrats are insistent upon the need of a scientific method based on observation and experimentation. Thus Quesnay will say:

Il y a donc deux sources d'où découlent les vérités qui peuvent enrichir notre art. savoir l'observation et la physique expérimentale.

La nécessité de ces deux secours est facile à démontrer. La nature ne se montre que obscurément à nos yeux; nous devons donc examiner scrupuleusement sa marche, la suivre dans tous ses détours, et observer ses effets.¹

The relation between the natural law and the physical order is brought out very explicitly by Quesnay in the following definition of the natural laws:

Les lois naturelles sont ou physique ou morales.

On entend ici par loi physique, le cours réglé de toute événement physique de l'ordre naturel évidemment le plus avantageux au genre humain.

On entend ici par loi morale, la règle de toute action humaine de l'ordre morale conforme à l'ordre physique évidemment le plus avantageux au genre humain.²

Quesnay's definition deserves close attention and study for two reasons: First, because precise definitions of the natural law are difficult to find in the writings of the Physiocrats; and second, because his definition contains implicitly the varied meanings that the Physiocrats attach to the natural law.

An analysis of this definition of Quesnay yields varying meanings all of which are utilized by the Physiocrats in their development of the concept of natural law. If we restrict the concept of the natural law to a purely physical application we arrive at the Physiocratic notion of the natural law as an economic law. An observation of nature reveals that nature follows certain laws with respect to the production of commodities useful to man. There is, they believe, a natural law which governs agricultural production and the relation between agriculture and the other arts of production. How they develop this specific

¹Op. cit., p. 724. See also the Marquis de Mirabeau, L'ami des hommes (Avignon, 1758), p. 350; and Harold J. Laski, "The Age of Reason," The Social and Political Ideas of Some Great French Thinkers of the Age of Reason, ed. F.J.C. Hearnshaw (London: Harrap Co., 1930), p. 27.

²Op. cit., pp. 374-75.

application of the natural law to the economic order we shall consider at length later in our discussion. We can note here, however, that although the natural law as applied to the economic order is primarily descriptive in nature it is given a valuational meaning in so far as the Physiocrats are concerned with this natural law as applying to the production of commodities useful and advantageous to man.

The relation of the natural law to what is useful and advantageous to man necessitates the introduction of man in the physical order and an observation of the nature of man and his needs. Here we are concerned, in accordance with Quesnay's definition, with the natural law as a moral law because we are dealing with an application of this law to the actions of men. The development of the natural law as a moral law will proceed along the following lines: The Physiocrats argue that man is a physical being and that he is motivated by his selfish interests toward a purely physical end which consists in the enjoyment of an abundance of economic goods. The Physiocratic belief in the physical nature of man and in his physical end is not a mere assumption. An observation of nature and of man, they declare, reveals that all men are physical beings and that they are motivated by selfish interests. It reveals that all men desire pleasure and the avoidance of pain and that all men strive to maintain their self-existence and to perpetuate the species. Self-preservation brings pleasure, but the greatest pleasure or the greatest happiness will result when man possesses an abundance of economic goods which ensures not only his own self-existence but the existence of those who belong to him, and which will also bring to man a security against the future. Finally, an observation of man's actions reveals that all men strive in various ways to acquire the means necessary to the attainment of their end. We perceive that men turn to fishing, hunting, grazing and the cultivation of the soil in order to acquire food as a necessary means for their survival. We perceive men discovering and utilizing the various arts which will serve as means for the attainment of their end. And we can perceive how property is necessary as a means to the attainment of man's end.

Thus far the Physiocrats have arrived at a natural law governing man and his activities which is descriptive in character. Just as an observation of nature yields a description of

the nature and activities of physical objects, so it also yields a description of the physical nature and the activities of man. And since man is a physical being, a descriptive law concerning man and his activities, will possess, so the Physiocrats argue, the same uniformity and necessity as does a descriptive law concerning physical objects.

The Physiocratic effort to obtain uniformity and certainty regarding the nature of man and his activities is based upon two considerations: First, that man as a physical being, is a part of the physical order; second, that in so far as there are necessary and certain laws governing physical events in nature, these laws will apply equally to man. That is, the physical order is seen to be based on a physical concatenation of cause and effect and is known to us immediately through our senses. By analogy then, and by reason of the fact that man is physical, the Physiocrats urge that the law governing man and his activities possesses the same uniformity and certainty.

It is on the basis of this analogy between the purely physical order of events and the order which is apparent concerning man and his activities that the Physiocrats make the transition from a natural physical law to a natural moral law, or from a descriptive law to a prescriptive law. Their hope is that by reducing the moral order to a conformity with the physical order, they can achieve the same certainty for the natural laws governing the actions of men as for the natural laws governing events in nature. But their argument is that because the natural law governing men's actions reveals a uniformity and necessity that therefore this natural law imposes a moral obligation on men. From a law describing what men do they make the transition to a law prescribing what men ought to do in order to attain their end. Because all men are physical beings and because all men strive for physical means to attain a physical end, they conclude that men ought to possess the necessary means to attain their end, that they ought to pursue this physical end, and that they ought to act always in such a manner that would lead necessarily to this end.

Or, from the observation that men are motivated by selfish interests and that all men appear to desire the pleasure of an abundance of economic goods they conclude that this is the final end of man and constitutes the good. Then from the observation

that men pursue certain means to obtain this end they conclude that these means are necessarily connected with the final end of man. From a necessary connection between the means and the end they infer a moral obligation of man to pursue these means and to possess them in order to attain his end.

Their whole argument is essentially an effort to convert a descriptive natural law based on the physical order into a prescriptive natural law which will apply to the actions of men. They argue that because of the uniformity and universality of this descriptive natural law we have the basis of a moral or prescriptive natural law. That because men do pursue a physical end, because they do use physical means to attain this end, that then men ought to pursue this end and they ought to use the physical means provided by nature for this purpose. From a descriptive natural law of what is good for man, they infer that this end is the final end, that pleasurable life is the only good, and that therefore men ought to desire and ought to possess the necessary means to attain this end.

The last step in the Physiocratic argument for the natural moral law is to supply sanctions for this law. They indicate that the physical order is essentially good and its effects are for the best because it has been created by God. Man needs merely to follow these laws. Any interference on his part will throw the divine harmony of things into disorder. Thus Quesnay will say: "Il n'y a donc point à disputer sur la puissance législative quant aux premières lois constitutives des sociétés, car elle n'appartient qu'au Tout-Puissant qui a tout réglé et tout prévu dans l'ordre général de l'univers; les hommes ne peuvent y ajouter que du désordre, et ce désordre qu'ils ont à éviter ne peut être exclu que par l'observation exacte des lois naturelles."¹

Granting the goodness of the physical order and the reduction of the natural law to the physical order, it becomes necessary to show that such a law possesses validity. The validity of a law in the moral sense rests upon its sanctions. That is, we judge of the validity of such a law from the consequences that follow on the violation of the law. The Physiocrats argue by analogy that just as in nature there are invariable and predictable consequences involved in the operation of the physical laws,

¹Op. cit., p. 642.

so the natural laws governing the action of men have their invariable and predictable consequences in the form of sanctions. A violation of the natural law, they argue, will interfere with the divine harmony of things and bring disaster upon men.¹ However, the Physiocrats do endeavor to give greater precision to these sanctions by indicating specifically what the economic consequences are of a violation of the natural law. Their idea is that if we accept the natural law and the economic order that follows logically from it, then man and society will benefit and prosper; but that if we go against such a natural law of the economic order then evil consequences will follow. Thus Du Pont in an effort to justify the impot unique first bases it on the natural law: "Il ne dépend pas des hommes d'asseoir l'Impot selon leur caprice, il a une base et une forme essentiellement établies par l'ordre naturel."² Then he indicates the consequences of indirect taxes in violation of this natural law: "Impositions indirectes; pauvres Paysans. Pauvre Paysans; Pauvre Royaume. Pauvre Royaume; pauvre Souverain."³

A criticism of this effort of the Physiocrats to derive the natural laws governing the actions of men from the natural laws governing the physical order should be fairly obvious from much of our analysis of their position.

Thus it may be noted briefly that the Physiocrats make no effort to prove the principle of the uniformity of nature. They assume that the physical order is immutable in character and subject to the laws of cause and effect. Likewise, they assume that the physical order is good and that evil results from a violation of the natural law, although as we noted they do give a more precise meaning to the sanctions that attend the natural law.

It may also be observed that the Physiocrats oversimplify their problem of deriving a natural law governing the actions of men by identifying the moral order with the physical order. Consequently they obtain a reduction rather than a deduction of the natural law. More specifically, they wish to show that there is a natural law governing the actions of men and that this natural

52. ¹Ibid., p. 377. See also Le Trosne, L'ordre social, p.

²De l'origine et progrès d'une science nouvelle, p. 20.

³Ibid., p. 23.

law possesses an immutability and a uniformity. To effect this they proceed to reduce the moral order to the physical order, for the physical order has already been assumed to possess an immutability and a uniformity. But their reduction is vitiated by the fact that they recognize a distinction between the natural law in the moral sense and the natural law in the physical sense and utilize this distinction by applying the natural law as a prescriptive law.

We may indicate also that their analysis of the nature of man is inadequate. Intent on reducing everything to the physical order they fail to see that man may be more than a merely physical being. They appear to reduce man to an animal level, to a creature consisting entirely of physical desires. Atger brings out this same criticism when he says:

Les Physiocrates analysent la nature de l'homme. Mais pour la première fois, ils rompent avec la tradition des philosophes du droit naturel; ils ne procèdent pas à une enquête; ils n'interrogent pas les goûts, les aspirations, les désirs de l'homme, ils n'analysent pas les données de la raison humaine; à la méthode idéaliste succède une méthode réaliste. Pour eux, la nature humaine, c'est la nature animale avec ses besoins et ses instincts; c'est d'un matérialisme physiologique (Quesnay était médecin) qu'ils déduisent l'ordre naturel des sociétés et le droit naturel des individus.¹

I am not holding any brief here for the traditional Aristotelian conception of man as a rational animal, but I think that if the Physiocrats are going to treat of man as a completely physical being, then the burden of proof is upon them. Furthermore, their analysis of man as a physical being is restricted to a consideration of his needs and desires. But if they are going to base the natural law on the nature of things, and particularly on the nature of man, then they ought to give a more adequate analysis of man's nature as a physical being.

Much of their difficulty in explaining the natural law is due to the double meaning that law has and which I believe they failed to perceive. Thus a law may be conceived as a causal principle determining natural events, a principle applying to an order of factual existence. But we may also conceive of a law as a command. In this case we conceive of the law as applying to an order or realm of values and not of existences. The Physiocrats

¹Frederic Atger, Essai sur l'histoire des doctrines du contrat social (Paris, 1906), p. 307.

confuse these two meanings of law and try to evade the implicit difficulty by reducing the moral order to the physical order. However, their definitions of natural law contain ethical implications which would be unnecessary if the moral order could be reduced to the physical order. Their reduction of the moral order to the physical order fails to solve their account of the origin of the natural law because they continue to use the term "law" both descriptively and prescriptively. From a description of man as a physical being with certain needs and desires they infer that the final good of man is the satisfaction of those needs and desires with an abundance of economic goods, and that men ought to pursue those means and ought to possess those means which will enable him to attain his end. But obviously they are making an illogical transition from a descriptive law to a prescriptive law governing man's behavior. They do not establish on valid grounds that the end which they ascribe to man is the absolutely final end, and they infer illogically from an observed connection between the means which man uses and the end toward which he is striving to a necessary connection and to an obligatory connection between these means and the end.

On the other hand their analysis possesses a measure of merit and plausibility which ought to be duly accorded to them. Even though the Physiocrats failed to attain their objective in the form of a natural moral law that could be as universally applied as the laws of physics, they did point the way toward the possibility of a more realistic and scientific conception of the natural law. Basing that law upon the utility of the physical order to man they believed that they could give it greater certitude and make it more applicable to the nature of man. Instead of striving to show how men might achieve a summum bonum in the form of contemplative activity or any similar metaphysical conception, the Physiocrats were content to face first the problem of how men might acquire a sufficiency of goods for a life douce et commode to use the words of Baudeau.¹ The natural law as descriptive of man and the physical order indicates the means for the achievement of this end. If in place of converting an inadequate descriptive natural law into a prescriptive natural law

¹Nicholas Baudeau, Philosophie Economique (Paris, 1910), p. 1.

they had endeavored to make their descriptive natural law more complete and more adequate by observing and describing at greater length the nature of man and his place in the physical order they would have rendered a greater service to the cause of social philosophy. Instead they centered the greater part of their effort on the application of the natural law to property as a means for the attainment of man's end and on a defense of property as a natural right.

Property as a Natural Right

The demonstration of property as a natural right based on the natural law forms the central and key task of the Physiocrats. All their thought revolves around this notion, and much of their effort is directed ultimately to a defense of property rights. And as we have indicated a more specific formulation of the meaning of the natural law would be the right to property and the freedom to enjoy that property. Thus Le Trosne will say:

Les lois de la liberté et de la propriété ont Dieu pour auteur; elles dérivent de la nature de l'homme; elles sont des conséquences évidentes de l'ordre physiques: elles sont des résultats nécessaires de l'essence des choses. Les hommes ne peuvent donc rien y changer, parce qu'ils ne peuvent changer ni leur constitution ni l'ordre physique.¹

Their argument for the right to property proceeds along the following lines: Man as a physical being is motivated by needs and desires--the need for food and shelter and the desire to enjoy these in freedom. But there are various means of obtaining subsistence as Mirabeau points out:

La chasse et la pêche ne donnent que des profits rares et épars; la paturage livre la Terre aux animaux et nous condamne à ne recevoir d'elle notre subsistance qu'au second degré. La cultivation tourne toute l'action de la nature et tout l'emploi de la Terre vers la production, et la multiplication des produits propres à notre subsistance. La cultivation est donc d'entre les moyens de recherche pour satisfaire à nos besoins, celui que nous devons préférer à tous les autres.²

From this analysis of the means of subsistence the Physiocrats next proceed to argue that the increasing complexity of our

¹L'ordre social, p. 108. See also Mirabeau, Lettres sur la Legislation, I, 58-59.

²Lecons Economiques, pp. 33-34.

needs and their satisfaction engender an increasing number of rights and corresponding duties. Thus whereas the needs of man in his simplest possible state reveal merely a right to certain physical things necessary to his continued existence, his needs in a more advanced state of society, say in an agricultural one, reveal not merely a right to certain mobiliary property but also a right to landed property. In an agricultural society man's needs are satisfied by means of products taken from the land. And in order to obtain these products man must have property in land. Consequently property in land is necessary to man if he is to satisfy his wants and preserve himself and the species. Le Trosne argues that without the assurance of such a right none would work on the land and he continues: "Puisque la culture, qui est le seul moyen de multiplier les subsistances, exige comme condition indispensable, la propriété exclusive du fonds et des fruits, il est évident que la propriété est une institution nécessaire, dérivée de l'ordre physique, et dès-lors conforme à l'intérêt général."¹

Not only is this natural right to property based on necessity but it may also be argued for on the ground of utility. We may note here the definition of Quesnay that natural right is: "le droit que l'homme a aux choses propres à sa jouissance."²

Right is defined here in terms of the pleasure or enjoyment that man will obtain from goods, and this in turn involves the correlative right of freedom. As Mercier puts it: "Le droit de propriété considéré par rapport au propriétaire, n'est autre chose que le droit de jouir; or il est évident que le droit de jouir ne peut exister sans la liberté de jouir."³ Now a freedom to enjoy something means a recognition of my right to it by others. Whether or not I have a right to something depends then upon the necessity and the utility of the object to me and the permission of others for me to enjoy that object. Conversely, of course, this means that I will acknowledge the rights of others to objects useful and necessary to them. In this argument it is not the observation that property is useful and necessary as a means to man's end that creates the natural right. Rather the

¹L'ordre social, p. 31.

²Op. cit., p. 359.

³Op. cit., p. 24. See also Le Trosne, L'ordre social, pp. 29-30.

natural right is a creation of society.

Another and more effective argument of the Physiocrats is developed from a consideration of property as inherent in the nature of man. Their view is similar to that of John Locke who conceived of property as a crystallization of human labor. Locke states:

Though the earth and all inferior creatures be common to all men, yet every man has a property in his own "person." This nobody has any right to but himself. The "labor" of his body and the "work" of his hands, we may say are properly his. Whatsoever, then, he removes out of the state that Nature hath provided and left it in, he hath mixed his labor with it, and joined to it something that is his own, and thereby makes it his property. It being by him removed from the common state Nature placed it in, it hath by this labor something annexed to it that excludes the common right of other men. For this "labor" being the unquestionable property of the laborer, no man but he can have a right to what that is once joined to, at least when there is enough and as good left in common for others.¹

To appreciate the Physiocratic rendering of this idea it is necessary to point out first the threefold division of property which they make. Property is divided by them into personal, mobiliary, and funded, or, to use their own terms: la propriété personnel, mobiliaire et fonciere. By the first of these they mean the capacities and abilities of the individual which are given to him by nature and by means of which he is enabled to acquire the other forms of property. Thus Mirabeau speaks of it as: "C'est la propriété de notre personne, que nous tenons de la nature même."² The second form of property would be identified more with what we call today personal property. Quoting from Mirabeau: "La propriété mobiliare est la propriété de tout ce que nous rassemblons par notre travail ou notre fortune, et qui est propre à la satisfaction de nos besoins soit par emploi immédiat, soit par échange."³ The third form of property consists of funded property and is identified by the Physiocrats with property in land. Quoting again from Mirabeau: "La propriété fonciere est la propriété d'un fond de terre que l'homme acquiert par son travail et par l'emploi de ses autres propriétés."⁴

¹John Locke, Two Treatises on Civil Government (London, 1884), p. 204.

²Lecons Economiques, p. 10. ³Ibid., p. 13.

⁴Ibid., p. 15. See also Baudeau, op. cit., pp. 107-108.

As these statements of Mirabeau indicate all three forms of property are closely interconnected with one another and the propriété mobilière and propriété foncière are based upon propriété personnelle. This dependence of landed and mobiliary property upon personal property is further substantiated by Mercier.¹

The full implications of these views accord with those of Locke. Nature endows us with certain capacities and abilities and these may be considered as a primitive form of property. Then the application of these capabilities and abilities enables us to acquire certain higher forms of property, such as tools and land. But these latter belong to us as a natural right, so the Physiocrats and Locke would argue, because these higher forms of property represent an extension of our labors. Thus to acquire land man must expend upon it certain labor which he is enabled to do because nature has given him the capacity to work and the ability to transform the things of nature. In so far as man's acquisitions are the product of labor they are to that extent a part of him and therefore his by natural right. Atger sums up the Physiocratic position and quotes effectively from Quesnay to establish their view:

Notre droit naturel est déterminé non seulement par nos besoins, mais par notre pouvoir. Quesnay y disait: 'Le droit de chaque individu est semblable au droit de chaque hirondelle à tous les moucherons qui voltigent dans l'air, mais qui dans la réalité se borne à ceux qu'elle peut saisir par son travail ou ses recherches ordonnées par le besoin.' ... Reprenant la théorie de Locke, les Physiocrates montrent que la première propriété sacrée est celle de notre corps; de celle-là se déduit la propriété des objets mobiliers qui en est la dépendance.²

The Physiocratic argument for property as a natural right does not, however, lead them to the Hobbesian position. They never insist that man has a natural right to all things. Quesnay states their opposition to this thesis in the following terms: "Mais si l'on fait attention à la futilité de cette idée abstraite du droit naturel de tous à tout, il faudra, pour se conformer à l'ordre naturel même, réduire ce droit naturel de l'homme aux

¹Op. cit., pp. 21-22.

²Op. cit., p. 310. See also Le Trosne, L'ordre social, p. 29, and Mirabeau, Lettres sur la Législation, II, 431-32.

choses dont il peut obtenir la jouissance; et ce prétendu droit général sera dans le fait un droit fort limité."¹

Their whole defence of property as a natural right is based then upon two considerations: First, that property is needed by man to satisfy his wants; second, that property as a right is determined by man's labor. Their defense of property has an added significance when we realize the important role that property plays in the social order. They make all other institutions in society dependent as consequences upon the right of property and particularly that of funded property. Mercier declares that other institutions: "... prennent naissance dans la nécessité physique de la propriété foncière: faites disparaître cette propriété, il n'est plus besoin ni de ces lois, ni de l'autorité tutélaire; il n'existe plus ni ordre social ni véritable société."²

It should also be observed that the Physiocratic exposition of the natural law not only gives them the basis of their defense of property as a natural right, but that the functioning of the natural law in the productive process reveals what kind of property an individual will possess at any particular economic stage in the development of society. Thus in the more primitive economic stage of direct appropriation there will be no natural right to landed property, for in such an economic stage of society there is no agricultural economy and no necessity for landed property. In such an economic stage in the development of society there is no denial of property right to man but merely a restriction of it in form to mobiliary property. As to how much property an individual will possess at any given stage in the economic development of society this will depend upon the ability of the individual. Inasmuch as men are unequal with respect to their abilities, the amount of property that each man possesses and ought to possess will vary in accordance with his ability. Thus the natural law as applied to the productive process determines the development of society, the kind of property that the individual will possess and his right to possess it, and, in accordance with the assumption of the inequality of men, the amount of property that the individual will possess.

¹Op. cit., p. 366.

²Op. cit., p. 22.

Let us turn now to a criticism of the Physiocratic exposition of property as a natural right and the relation of such a natural right to the natural law. First let me point out here that the term droit in French may be translated either as right or law, and that this has led to a certain confusion of thought in the writings of the Physiocrats.

Natural right is linked to natural law in the following manner: It is a characteristic of all men that they have been endowed by nature not only with a desire for pleasure but with certain abilities and capabilities that will enable them through their actions to acquire that which is proper to their existence. These capacities and abilities represent personal property and therefore personal property is the common rule among men. In other words observation reveals to us that all men possess personal property, it is then a natural law in the sense that it is a principle characterizing the nature of man. It is a natural law in the descriptive sense of what is.

As we have seen the Physiocrats extend personal property into things which are external to man. Mobiliary and funded property represent a crystallization of man's labors. Now if such forms of property become truly a part of man then they too can be regarded as natural rights in the sense of being a part of the nature of man; and in this manner such forms of property become identified with the natural law. Although it is evident that personal property is fundamental to the creation of mobiliary and funded property, it is completely invalid for the Physiocrats to assume that a crystallization or congealing of human labor in the form of mobiliary or funded property necessarily makes such property a part of the nature of man and in that sense a natural right of his. Clearly, if an individual effects a transformation of some material thing by an application of his labor to it, this does not create a right in the legal sense of the term unless another party is effected by such action and recognizes the existence of such a right. Nor does such a transformation of a material thing mean that that thing becomes a part of man in any way. The effort here is an ingenious one but purely a rationalization. Beginning with the idea that personal property is characteristic of the nature of man, the Physiocrats endeavor invalidly to make mobiliary property and funded property a part of the nature of man in order to establish man's natural right to them.

Even if the Physiocrats had achieved a complete reduction of all forms of property to the personal property of the individual, they still would not have established that all property is a natural right in the legal or moral sense of the term. They would merely have identified property with the nature of man and thus made it part of a descriptive natural law applying to man.

Another problem arises from this same notion and may be briefly noted. If a natural right to property is created through the labor of the individual then we must be cautious in our interpretation of the meaning of the term labor. Suppose an individual labors in an immoral way to acquire gain. Must we admit then that wrongful actions may lead to the creation of natural rights? The possibilities of this seem to have escaped the Physiocrats.

Finally, we may observe that their effort to base the natural right of property upon the utility and the necessity of property to the individual is no more successful than their endeavor to establish a right to property as part of the nature of the individual. For the natural right here means nothing without the freedom to enjoy that right. And a freedom to enjoy something means a recognition of my right to it by others. The right to enjoy those things necessary and useful to my existence is conferred upon me by others. Man creates the right and not nature.

Relating this notion to the idea that a natural right is created when man's labor is expended upon an object, we might say that such labor on the part of the individual would not be undertaken unless there existed a previous recognition by others of the right of the individual to that object. It is the right which others grant that confers the possibility of labor, and not conversely the labor which creates the right. If others did not grant me first a freedom to enjoy that property which I create, then there would be no reason for me to expend my labor upon an object and transform it into my property.

Again, however, we should beware of condemning too precipitously the Physiocratic effort. What we said of the plausibility and merit of their effort to derive the natural law from the physical order will apply here with respect to their attempt to establish natural right and to base that right on the natural law. For even though they fail to prove that all men ought to possess property as a natural right, they do try to show from an analysis of man and the physical order why property is necessary and use-

ful as a means to man's end. On this basis their doctrine has a measure of plausibility, for if it is possible to prove that property is necessary as a means to man's end, then society can establish property as a right. The natural right will be justified on the basis of a natural law which is descriptive of the means which may be taken for the realization of the summum bonum, and if society approves of these means then society may convert the "may" into an "ought" and the descriptive natural law into a prescriptive natural law.

With this in mind let us consider another effort by the Physiocrats to derive the natural rights of man. We shall try to point out in the following section how the Physiocrats relate natural rights to duties and how their whole doctrine rests very definitely on considerations of utility.

Rights and Duties

A puzzling problem in the Physiocratic analysis of rights and duties is that of precedence. Do natural rights come first and upon these are the duties of man based, or do the duties come first? Or are they reciprocal with no question of precedence? We get varying answers from the Physiocrats. Mirabeau will say:

En vertu de la Loi suprême donné à la nature qui veut que tout se perpétue sur la terre par la consommation et la reproduction. Ainsi du droit de consommer, résulte le devoir d'acquérir de nouveau, pour continuer de jouir de notre droit de vivre, et de nous procurer les biens qui peuvent satisfaire aux besoins de la vie. ...

Parce que c'est le droit qui nous assujétit au devoir. Tous les droits et tous les devoirs partent du sein de la nature, et tous les rapports des hommes entre eux ne sont qu'un commerce réciproque de leurs droits et de leurs devoirs.¹

Mirabeau's opinion on this question of priority does not accord with Quesnay who declares: "D'ou suit que chacun a le droit naturel de faire usage avec reconnaissance de toutes les facultés qui lui ont été départies par la nature dans les circonstances ou elle l'a placé, sous la condition de ne nuire ni à soi-même ni aux autres: condition sans laquelle personne ne serait assuré de conserver l'usage de ses facultés ou la jouissance de son droit naturel."²

¹Lecons Economiques, pp. 27-29. ²Op. cit., p. 371.

Mercier de la Riviere on several occasions in his L'ordre naturel states views similar to that of Quesnay, placing duties before rights.¹ Mercier also brings out the reciprocal nature of rights and duties in his famous axiom: "Nous pouvons donc renfermer tout le juste absolu dans un seul et unique axiome: Point de droits sans devoirs, et point de devoirs sans droits."²

Du Pont follows Mercier and reiterates this axiom. He does not emphasize any priority of duties over rights, but rather seems to cling to the view that they are simply reciprocal in nature.

Dans cet état primitif, les hommes ont des droits et des devoirs réciproques d'une justice absolue, parce qu'ils sont d'une nécessité physique, et par conséquent absolue pour leur existence.

Point de droits sans devoirs, et point de devoirs sans droits.³

Le Trosne follows Quesnay and Mercier in asserting the priority of duties over rights and the reciprocal nature of both.⁴ Baudeau does not indicate his view. Generally, then, we may say that the school follows the teaching of Quesnay on this point.

It has been objected here that it is absurd to speak of rights or duties at all in a state of nature and that consequently the whole discussion of the Physiocrats is a futile one.⁵ It is true that at times the Physiocrats do speak of a state of nature and seem to give the impression that it exists before any social order.⁶ But a more careful reading of their works gives ample evidence that for them the natural order was a social order and that man is never a lonely isolated creature, but a social creature who exists at all times in some sort of society.⁷

Granting the validity of our interpretation of the Physiocratic position on this matter, what is the significance of their conception of the relation between rights and duties? If a duty

¹Op. cit., pp. 8-9.

²Ibid., p. 11.

³De l'origine, p. 11.

⁴L'ordre social, p. 25.

⁵Alfred Espinas, Histoire des doctrines économiques (Paris, 1892), p. 216.

⁶Quesnay, op. cit., p. 367.

⁷Du Pont, De l'origine, p. 11. See also Le Trosne, L'ordre social, p. 14.

is prior to a right from what do we derive the duty, and what is its relation to the natural law? The answer of Le Trosne appears to be that duty is imposed on man by God. Thus he states:

L'homme a droit aux choses propres à sa jouissance, et il tient ce droit de Dieu qui en le formant, lui a imposé le devoir de se conserver. Mais ce droit indéfini ne forme point encore une propriété: car il est commun à tous, et il s'étend à tout; il ne se détermine pour chaque homme à telle ou telle chose, qu'au moment où il se l'approprie par son travail. Il les tire alors de la propriété commune pour se les appliquer; et nul n'a droit de le priver de ce qu'il a acquis à un titre aussi légitime.¹

This statement of Le Trosne reveals very clearly how right follows from duty, and also casts additional light on the Physiocratic explanation of property as a natural right of man. For as Le Trosne says here the property right is at first a vague and indefinite one extending to all men and actualizing itself into a particular natural right only through the labor of the individual. What we spoke of before in stating that property as a natural right is based on that which is necessary and useful to the individual receives added clarification here. For it is man's duty to acquire what is necessary and useful in order to preserve his existence, and his right to acquire property for that purpose is based on this duty of self-preservation.

But on what basis or what principle does duty rest? When Le Trosne says that it is imposed upon us by God it appears to be more of a legal duty or an obligation following from a law in the sense of a command by God. But if God imposes a duty upon man to preserve himself, then there should be some evidence of that command. This, however, would necessitate the postulation of a divine law and not just a natural law. To my knowledge the Physiocrats never have recourse to the idea of a divine law.

The real difficulty that involves Le Trosne and all the Physiocrats when they speak of the duty that man has of preserving himself, appears to be a confusion in their use of the term duty. Ordinarily duty is used in the moral sense as implying some internal compulsion upon an individual to act or forbear from acting. It has also a legal meaning when it is used in the sense of an external compulsion, an obligation presupposing a law. The Physiocrats unconsciously add a third meaning here. For what they

¹L'ordre social, p. 25.

really mean by the duty of self-preservation amounts to little more than the instinct of self-preservation. Their explanation of the relation of duty to natural law rests largely upon a shifting of ground from one of these meanings of duty to another.

The need of the Physiocrats for converting an instinct into a duty should be obvious. If we speak of an instinct of self-preservation instead of a duty of self-preservation, then it is hardly possible to derive a right from an instinct. Again, this conversion of instinct into duty affords them an easier explanation of the derivation of the natural law. For if duty implies not only a right but an obligation then this in turn presupposes a law which creates the obligation. Thus a use of the term duty in the moral and the legal sense of the term will give us a prescriptive law and natural rights, whereas the use of the term duty in the sense of instinct will not.

But if we inquire into the content of the natural law as well as its origin then it becomes necessary for the Physiocrats to shift their ground again and use the term duty in the sense of instinct. The result of this is that the natural law becomes a descriptive law of the nature of man. Just as natural rights can be equated with natural law as constituting universal characteristics of the nature of man, so duty may be conceived in the same way as a characteristic of the nature of man--his instinct of self-preservation, and hence equated with the natural law. In other words we perceive through observation that it is a universal characteristic of man to possess this instinct of self-preservation and then we conclude that this is a law concerning the nature of man. But this is a law only in the descriptive sense. To say that something is of the very nature of man, does not imply any moral oughtness or legal compulsion. Again there is that confusion in their doctrine between descriptive and prescriptive law.

But suppose we do conceive of duty in the sense of what a man ought to do. In this case what is the determinant of the ought? As we have indicated it can be neither the divine law nor the natural law. The only other determinant here is that of utility. Mercier accepts this when he says:

Revenons donc à l'ordre de la nature: là, nous trouvons que les devoirs sont nécessairement utiles; qu'ils sont la source et le fondement des devoirs qui nous sont acquis, et qu'il nous importe de conserver; que ces droits sont des

propriétés exclusives par essence; que leur imposer un devoir quelconque qui n'eut rien d'avantageux pour elles, ce serait les partager et par conséquent les détruire; qu'ainsi elles ne peuvent se concilier avec d'autres devoirs que ceux qui sont conformes et nécessaires aux intérêts de ces mêmes propriétés exclusives.¹

The fundamental principle underlying our rights and duties is that of utility. Restated, the argument of the Physiocrats would run something like this: Man is a creature of desires, and his primary desire or instinct is to preserve himself. To accomplish this end he must acquire those things which are necessary to his continued existence. The real determinant of his first duty, that of self-preservation, is not a law of nature nor a command from God, but the evil consequences of pain and death. The real motive of man's action is the desire to secure pleasure and avoid pain. Self-preservation brings pleasure, and likewise the acquisition of property will lead toward a pleasurable end in that it enables man to preserve his existence. The utilitarian basis of both rights and duties is admirably put by Mercier in the following statement:

Ce premier droit n'est même en lui que le résultat d'un premier devoir qui lui est imposé sous peine de douleur et même de mort.

Or il est évident que le droit de pourvoir à sa conservation renferme le droit d'acquérir, par ses recherches et ses travaux, les choses utiles à son existence, et celui de les conserver après les avoir acquises.²

Finally, we may indicate briefly that these rights and duties of man are extended throughout the social order. Our first rights and duties will imply others and the more we advance toward a higher form of social organization the greater will be the number of rights and duties, and yet without any diminution of any of the essential rights of man. Thus society will extend to me not only the right to property but also a right to sell that property to others or to pass it on to my children. And of course such rights will entail corresponding duties of a similar nature with respect to the rights of others, so that in society we have as Mercier says an enchaînement de devoirs et de droits.

The real justification for these extended rights and duties of ours is not a prescriptive natural law but a natural law which is descriptive of the utility of such rights and duties for

¹Op. cit., p. 11.

²Ibid., p. 9.

the individual and for society. Particularly is this more evident when we remember that the goal of mankind is an abundance of economic goods and that society makes possible the achievement of this goal. Mercier indicates how society is necessary for the attainment of this end when he says:

Je dis qu'il s'établit et se perpétue nécessairement, parce que l'appétit des plaisirs, ce mobile si puissant qui est en nous, tend naturellement et toujours vers la plus grande augmentation possible de jouissances, et que le propre du desir de jouir est de saisir les moyens de jouir. Les hommes ne peuvent donc connaître leur meilleur état possible, que toutes les volontés et toutes les forces ne se réunissant pour se procurer et se l'assurer.¹

Society then becomes a mutual enterprise based on a co-ordination of the interests and desires of men in order to secure the greatest abundance of economic goods for each and all. And although society consists of an enchaînement de droits et de devoirs, these rights and duties become equated with the interests and desires of man, for the principle of utility is the justification in the end for rights and duties.

Summing up their discussion thus far we find that from a description of man and the physical order and the means for the attainment of man's end they endeavor to construct a prescriptive natural law. From an analysis of man and the physical order they find man to be a physical being and a part of the physical order. From the observation that all men desire to exist they conclude that all men ought to possess those things which are necessary for their continued existence. Next they observe with respect to the means for man's continued existence that property is a universal characteristic of man and appears to be universally necessary and useful to the attainment of man's end. From this they conclude that men ought to have property and that it constitutes a right. Then they endeavor to show that this right of man is based upon a duty because duty is a universal characteristic of man. But just as property is useful as a means to man's end, so duty too, rests upon a consideration of utility. Man preserves himself because he finds it pleasurable to do so. Rights and duties rest then upon a natural law of what is useful and pleasurable to man in order that he may attain his end; utility as we have said is the justification for these rights and duties and not a prescrip-

¹Ibid., p. 39.

tive natural law.

If we ask why the Physiocrats were not content with a purely descriptive enterprise and instead tried to discover a natural law in the moral sense of what man ought to do and what he ought to possess we have two possible answers. One answer would be the persistence in philosophical tradition of the concept of the natural law. The second would be the desire on the part of the Physiocrats to attain scientific certainty. They wished to discover laws that would hold universally with respect to men and the relations between men. This search for certainty haunts their entire venture and tends to obscure what is of value in their method. To formulate a social science it is necessary to undertake first an observation and description of the nature of man and his place in the natural and social order. And if we are concerned primarily with the economic end of man then it is necessary to study the means whereby man may achieve this end. The Physiocrats do undertake to discover social and economic laws and this constitutes their positive contribution, but as I have said it becomes obscured by their effort to convert what they find to be in the physical and social order into what ought to be, or more specifically to convert man's interest in property as a means to his end into a natural right. In part their enthusiasm is to blame for their difficulties. Enthusiasm makes for impatience and the enthusiasm of the Physiocrats led them to attempt to establish scientifically certain and prescriptive laws upon an inadequate descriptive basis.

Their search for certainty appears very evidently in their discussion of the harmonization of man's conflicting interests. They believe that there should be a natural concurrence of interests and a natural justice, but they recognize that the interests of men do not have that perfect accord with the natural law and they sought ways and means of harmonizing the selfish interests of men and adapting those interests to the natural law. Let us turn now to a consideration of their attempt to solve the conflicting interests of men.

Harmony of Interests

Granting that we have rights and duties, that they are based on considerations of utility, and that they are extended as we have described in the social order, there remains the more

basic problem of the possibility of a conflict between these rights and duties and the interests and desires of men. How can we equate them, how can we on the Physiocratic basis procure that necessary balance between the selfish interests of individuals which will lead both to their own good and that of the social order?

Beginning with an atomistic conception of society, of society as a sum of individuals each with his particular interests, the Physiocrats must endeavor to bring about the concurrence of those interests, a concurrence in which each individual in working for his own particular interest will at the same time be furthering the interests of all. As Mirabeau puts the problem: "Parce que l'intérêt commun n'est l'intérêt de personne. C'est l'intérêt particulier qui est l'intérêt de tous."¹

In their attempt to solve this problem the Physiocrats endeavor to show that there is a natural concurrence of particular interests in accordance with a natural justice. Thus Baudeau will argue: "Concourir à la perfection des libertés et à l'accroissement progressif des propriétés, c'est l'ordre naturel de bienfaisance qui résulte nécessairement des travaux de chaque Citoyen dans une Société bien organisée, par l'accroissement continu du pouvoir, du savoir et du vouloir dans les trois classes d'hommes qui sont occupés des trois arts caractéristiques des Etats policés."²

Le Trosne with an analogy from nature attempts to show that this concurrence of particular interests will lead to the general interest just as a union of forces in nature tends to the increase and multiplication of beings: "Cette société va d'elle-même par le concours des intérêts particuliers qui tant qu'ils ne sortent pas des bornes prescrites par la justice, opèrent l'intérêt général, comme la nature tend à l'accroissement et à la multiplication des êtres."³

And Mirabeau is equally explicit in making the concurrence of particular interests a part of the natural order:

Chacun pourrait bien ne penser qu'à son intérêt, sans s'apercevoir que cet intérêt particulier dépend de l'intérêt général. Ces idées absurdes n'étant qu'une spéculation, ne nuiraient à rien, tant que chacun travaillerait bien et

¹Leçons Economiques, p. 59. See also Le Trosne, L'ordre social, p. 102.

²Op. cit., p. 142.

³L'ordre social, p. 87.

licitement pour son intérêt, car il suffit qu'on travaille pour satisfaire à l'ordre naturel qui réunit tous les intérêts, et qui ne permet aucune usurpation dans cette réunion d'intérêts. Cela suffit, dis-je, non seulement pour bannir toute dissension entre les intérêts particuliers, mais encore pour les réunir tous en un seul et même l'intérêt général et commun.¹

In the light of these statements it is apparent that the Physiocrats believed implicitly in a natural harmony of interests. And it is this natural harmony of interests that constitutes justice. Justice the Physiocrats insist is not a creation of society, nor is it created by individuals. Men do not have reciprocal rights and duties because they are united in society:

mais c'est parce qu'ils avaient naturellement et nécessairement entre eux des devoirs et des droits réciproques, qu'ils vivent naturellement et nécessairement en société. Or ces devoirs et ces droits, qui dans l'ordre physique sont d'une nécessité absolue, constituent le juste absolu.²

And Quesnay definitely connects justice with the natural law: "Si on me demande ce que c'est que la justice, je répondrai que c'est une règle naturelle et souveraine, reconnue par les lumières de la raison, qui détermine évidemment ce qui appartient à soi-même ou à un autre."³

Within the natural order then there will be a natural concurrence of particular interests over which a natural justice will prevail. This natural order will unite the particular interests of men in accordance with the natural law and the natural rights of each individual. The natural rights of the individual constitute his particular interests and these must be extended as far as possible in society. There is no need of any intervention by the state, for by means of the particular selfish interests a sort of natural justice will prevail in society. As Mirabeau puts it: "Il faut donc poser pour principe immuable et saint, que mon intérêt particulier contribuant à l'intérêt général de la société, est pour moi la base de toute justice et de toute vertu et ainsi pour chaque individu de notre espèce: cela posé, il ne saurait y avoir de constitution d'état, que celle qui donne à l'intérêt particulier bien entendu, de chacun des individus qui

¹Lecons Economiques, p. 199. ²Mercier, op. cit., p. 8.

³Op. cit., p. 365. See also Baudeau, op. cit., p. 142, and Le Trosne, L'ordre social, pp. 84, 89.

composent la société, tout la liberté et toute l'étendue possible: voilà la base."¹

If the Physiocrats were thoroughly consistent their discussion of justice and the relation of particular interests to the natural order would complete their exposition. A complete laissez-faire doctrine would simply leave everything to the particular interests of the individual and a perfect social order would follow of mechanical necessity.

But the Physiocrats realized only too well that it would not be possible to base justice and a harmony of interests solely on the natural order. For it is not every interest of the individual but only the legitimate ones that are to be based on the natural order of things. Thus Le Trosne will say: "L'ordre réunit à la vérité tous les intérêts, mais seulement les intérêts légitimes; il exclut et réprouve tout moyen d'acquérir par usurpation sur les droits d'autrui."² Consequently, the natural order in itself cannot effect a harmony of interests for not all of the selfish interests of man are legitimate. Our selfish interests ought not to conflict but the fact is that they do. Consider, for example, how the production and distribution of wealth will create this conflict of interests. Selfish interests are the motives for individual actions and these selfish interests are in accordance with the natural law which is based on the needs and wants of individuals. Furthermore, the needs of men can be better satisfied in a more advanced social state. Society makes possible: "la multiplication continuelle et progressive de tous les objets propres aux jouissance utiles ou agréables, qui font la conservation et le bien-être de l'espece humaine sur la terre."³ Then the assumption is made by the Physiocrats that an increase in the wealth and prosperity of society would at the same time increase the wealth and prosperity of the individual. But this involves the fallacy of division. Thus Mercier states: "il est évident que ce qui procure au corps social son meilleur état possible, procure ainsi le même avantage à chacun de ses membres en particulier, puisque chacun d'eux est appelé par l'ordre même, à partager dans cette somme de bonheur qui leur appartient en

¹Lettres sur la Legislation, I, 129.

²L'ordre social, p. 101. ³Baudeau, op. cit., p. 107.

commun."¹ The real problem here is the meaning of the term partager. In what manner, 'to what extent, does each individual participate in the somme de bonheur qui leur appartient en commun? The Physiocratic answer is not very satisfactory. If they had assumed a communism such as that of Morelly then they could have declared that each individual would be given an equal amount of all the products of society. But the Physiocrats declare for an unequal distribution of these products. This they base upon the essential inequality of men, which they claimed was a fact observable in nature. In part, perhaps, their defense of inequality was based upon their interest in justifying landed property for obviously not all men could become landed proprietors. At any rate they defend inequality and base it upon nature and upon the will of God. Thus Quesnay:

Mais en considérant les facultés corporelles et intellectuelles, et les autres moyens de chaque homme en particulier, nous y trouverons encore une grande inégalité relativement à la jouissance du droit naturel des hommes. Cette inégalité d'admet ni juste ni injuste dans son principe; elle résulte de la combinaison des lois de la nature; et les hommes ne pouvant pénétrer les desseins de l'Être suprême dans la construction de l'univers, ne peuvent s'élever jusqu'à la destination des règles immuables qu'il a instituées pour la formation et la conservation de son ouvrage.²

But if men are unequal and if all are to participate in the general sum of goods produced by society in an unequal manner there will be considerable dissatisfaction among men, and a frequent clashing of interests, particularly inasmuch as men are motivated by selfish interests. Consequently, although there ought to be a natural concurrence of particular interests in accordance with the natural law, in actuality the interests of men give rise to conflict.

Beginning with an effort to base the social order upon purely physical grounds, upon the selfish interests of the individual as revealed by the natural law, the Physiocrats are unable to carry through on this basis a thorough laissez-faire doctrine. The establishment of the social order and of social solidarity does not follow mechanically and necessarily from the purely physical laws of nature. The whole difficulty is that the selfish in-

¹Op. cit., p. 30.

²Op. cit., p. 368. See also Le Trosne, L'ordre social, pp. 34-35, and Mercier, op. cit., pp. 11-12.

terests of men do not follow necessarily the natural laws, but instead give rise to conflicts in society. Naturally the particular interests of men should not conflict, but in practice they will unless some authority is there to order them in accordance with natural justice. Natural justice would prevail if everyone perceived the wisdom of the natural laws. The natural laws will lead to the greatest good of the individual and society, if everyone is able to perceive the truth of these laws. But even though individuals do not perceive the truth of these laws this does not mean that we must diminish in any way the selfish interests of the individual. We must retain these selfish interests for they constitute the motivating force of the social order, but we must correct or enlighten these selfish interests. Le Trosne states very aptly here:

Les philosophes qui ont déclamé contre la propriété, se sont laissé éblouir par une fausse idée de perfection et de désintéressement. Ils ont vu que l'intérêt était la principale cause de discorde; ils en ont conclu que si l'on pouvait dépouiller l'homme de cette passion qui le met si souvent aux prises avec ses semblables, on parviendrait à tarir la source des divisions. Mais ôter à l'homme cette passion, c'est le dénaturer, c'est le réduire à l'état d'un être purement passif et sans action. L'intérêt est un motif nécessaire pour porter l'homme au travail: il n'est pas mauvais par lui-même, il ne le devient que lorsqu'il viole les lois de la justice, et l'autorité souveraine est précisément établie pour le contenir dans les bornes légitimes.¹

We cannot strive for social harmony then by lessening in any way the selfish interests of men, nor can we effect this harmony on the basis of moral sentiments. The Physiocrats admit that man has such sentiments, but they are not the basic cause of the social order and cannot effect the reconciliation of particular interests. As Mirabeau explains:

Non. M. ce n'est point par les sentimens moraux qu'on peut entreprendre de gouverner les hommes: c'est au contraire l'ordre physique qui doit amener et fixer l'ordre moral. . . . Il faut en un mot que la justice soit écrite sur la terre, pour que son exercice ne risque pas de se perdre dans le vuide de nos séduisantes spéculations.²

We have observed that the Physiocrats place the criterion

¹L'ordre social, p. 35.

²Lettres sur la Legislation, II, 535-36. See also Le Trosne, L'ordre social, p. 83.

of our certitude for the natural law on a practical basis, on what Mirabeau calls an évidence d'intérêt. Applying this criterion to the present problem the task of the Physiocrats is to enlighten the selfish interests of men and bring those interests in accord with the natural law. This enlightenment of the selfish interests of men could be best effected, the Physiocrats believed, by means of a policy of public education in the truth of the natural laws. All the Physiocrats are emphatic in their demand for public education. Thus Baudeau will say: "Le premier et le principal caractere d'une Monarchie économique est donc l'établissement, le maintien, la perfection progressive et continuelle de l'enseignement universel, le plus clair, le plus efficace possible, qui grave profondément dans tous les esprits l'ensemble des principes simples, sublimes et sacrés de la loi de justice et de l'ordre de bienfaisance, principes évidemment éternels et immuables, qui sont de tous les temps, de tous les siècles et de tous les hommes."¹

The Physiocrats did not intend to "make" truth. They realized that public instruction would undoubtedly cause much conflict of opinion, but they were convinced that their particular truth would prevail. Freedom of speech and freedom of the press were to be maintained. Mercier substantiates this intellectual freedom when he says: "Il est tellement nécessaire de laisser au corps entier de la société la plus grande liberté possible de l'examen et de la contradiction; il est tellement nécessaire d'abandonner l'évidence à ses propres forces, qu'il n'est aucune autre force qui puisse les suppléer."²

This helps to explain the proselytizing character of the Physiocratic enterprise. Definitely convinced of the fundamental principles of their theory they endeavored to convert others to it. Once a majority were so persuaded through the medium of education and a freedom of discussion this would provide the necessary force of public opinion to establish the social order they envisioned.³

The enlightenment of the individual through education in the truth of the natural law is to be accomplished by an appeal to his interests. The individual must be made to perceive that

¹Op. cit., p. 142. See also Quesnay, op. cit., p. 331, and Mirabeau, Lettres sur la Législation, III, 23.

²Op. cit., p. 44.

³Ibid.

his legitimate interests are legitimate because they are to his self interest, and this conviction will be reinforced by sanctions imposed by the state for the observance of the law. Natural justice merges into a justice based on utility. As Le Trosne says:

La science de l'ordre décide toutes les questions de deux manières: par l'inspection de la justice qui règle souverainement les droits et les devoirs de chacun, qui n'impose point de devoirs sans assurer de droits corrélatifs, et par la considération calculée de l'intérêt véritable et légitime qui se trouve toujours et sans exception réuni à l'observation rigoureuse des lois de la justice. Elle joint ainsi par des liens indissolubles le juste et l'utile, que l'ignorance a si souvent séparés dans le fait, et place la récompense et le châtiment à côté de la loi, afin d'assurer par une sanction aussi attrayante que redoutable, l'exécution de ses préceptes.¹

Summing up their argument briefly and simply we find: The natural order reveals the natural laws affecting the productive process, the formation of society, and a natural justice based on the rights and duties of the individual. All men should perceive the reasonableness and the truth of the natural law. But since men are selfish by nature and possess conflicting interests, we cannot rely on a natural concurrence of these interests, and we must supplement natural justice with a justice based on utility. We must harmonize the conflicting interests of men by a policy of public education which will endeavor to show men how their selfish interests can best accord with the natural law. We could point out to an individual that in producing a surplus of commodities he would not only have his own interests at heart but those of his fellow men, for in producing a surplus he has in mind the possibility of exchanging this surplus for the goods of others. In this way his interests tend to harmonize with the interests of others. Or again, we can show that it will be to the mutual interests of men to recognize each other's rights to property. And finally, granting that we have persuaded a majority to the truth of the natural law, we can rely upon the force of the law.

In concluding this discussion it should be evident that the Physiocratic doctrine of natural law rests fundamentally upon considerations of utility. The Physiocrats fail to derive the natural law from the physical order. Instead of proving that the

¹L'ordre social, p. 180. See also Mirabeau, Lettres sur la Législation, II, 484, and Baudeau, op. cit., p. 142.

natural rights and duties of the individual are founded on the natural law, they justify these rights and duties on the grounds of utility and identify them with the interests of men. In so far as this is true any attempt to harmonize conflicting interests in society on the basis of a prescriptive natural law fails. That is, it is of no worth to declare that a harmony of interests is achieved through a knowledge of the natural law when that law is based primarily on interests and does not possess the certainty of a physical law. The Physiocrats attempt to reach certainty in the social order by making the social order entirely physical and mechanical in character. But then they realize the difficulties of a natural concurrence of interests and they sacrifice the certainty they strive for by shifting the foundation of their social order from a prescriptive natural law to utility. As we shall see more clearly in dealing with the political and economic implications of their thought they underestimated the task that remained; that is, their optimism and their belief in the supremacy of the natural law led them to think that the task of enlightening the selfish interests of men would require but little effort on the part of the legislator. To the end they continued to hold staunchly to the belief that men can attain enlightened selfish interests and a harmonization of these interests without any undue intervention by the state.

CHAPTER III

APPLICATIONS OF THE NATURAL LAW

In this concluding chapter we shall examine in order the political and economic ideas of the Physiocrats and indicate how these ideas are developed on the basis of their natural law doctrine, and how they lead to the expression of a more or less systematic social philosophy possessing certain liberal characteristics.

Application of the Natural Law to the Political Order

The Physiocratic doctrine in regard to the nature and function of law is basic to their political theory. The basic law of the state in its activities, functions, and structure is the natural law. Now the natural law is of a general nature and will find its expression in the positive laws--those laws which men create. Despite some differences in terminology the Physiocrats are in accord with respect to the difference between the natural laws and the positive laws.¹ The best analysis of the nature of the positive laws and their relation to the natural laws is given by Mercier who defines a positive law in the following terms: "Nous avons donné le nom de positives aux loix de la second espece, parce qu'elles établissent d'une maniere positive ce qui sans elles resterait arbitraire, ou du moins incertain pour la majeure partie des hommes: nous disons aussi qu'elles sont factices, à raison seulement de la maniere de les

¹Quesnay speaks of the natural laws as "constitutive" laws of the state and regards the positive laws as rules instituted by a sovereign authority for the governance of the state. See the statements in his works, op. cit., pp. 375, 637.

Le Trosne gives a threefold classification using natural law, constitutive law, and criminal and civil law. See his L'ordre social, pp. 278-79.

Mirabeau gives an even more extended classification ranging from fundamental or natural laws through fiscal, military, and moral laws. See his Lettres sur la Legislation, II, 624.

établir; ...¹

Although the positive laws are of human creation there is to be nothing arbitrary about them except the manner of their formulation. The positive laws do not reveal truths created by man. They are reflections of more basic truths, the natural laws given by God to the universe. The positive laws merely state in a specific manner for the edification of mankind what the natural law teaches in a more general way. The essential justice of such laws will depend then upon their conformity with the natural laws. And in order to judge of the justice of any positive law we must be careful to distinguish between the letter and the reason of the law. As Mercier expresses it: "La lettre de la loi est la disposition textuelle et positive de la loi; la raison de la loi est le motif qui l'a dictée."² The justice of a positive law will depend upon the reason and motive behind the law and not a mere knowledge of the letter of the law. Thus Mercier declares: "et ayant acquis ainsi la connaissance évidente de la raison de cette loi positive, je me trouve en état de juger de sa justice et de son utilité, ce qu'il me serait impossible de faire, si dans cette loi je connaissais que la lettre de la loi."³ Only by acquiring such a knowledge of the reason and the motives of the law will man accept unquestionably the justice of the law. Willing submission to a positive law can be attained then only if the law is necessarily and evidently in accord with reason to such an extent that we cannot doubt its validity and its basis in the natural order of things. It is this relation of the positive laws to the natural laws that leads the Physiocrats to emphasize the importance of education and which causes Quesnay to say in speaking of positive laws: "Mais la première loi positive, la loi fondamentale de toutes les autres lois positives, est l'institution de l'instruction publique et privée des lois de l'ordre naturel, qui est la règle souveraine de toute législation humaine et de toute conduite civile, politique, économique et sociale."⁴

An analysis of the structure of the state and the government reveals their dependence on the natural law. The institution of a sovereign authority in the state rests upon a union of the social and physical forces in the state. Such authority is

¹Op. cit., p. 56. See also Quesnay, op. cit., pp. 637-38.

²Op. cit., p. 57. ³Ibid., p. 57. ⁴Op. cit., p. 375.

created by the various classes composing the state, and classes exist because they rest upon the natural principle of inequality which prevails among men. Baudeau gives us a very comprehensive analysis of the classes making up the state. He divides the state into three principal groups. The first consists of the sovereign, those who co-operate with him in the government, and the landed proprietors. The second group comprises what he terms the classe cultivatrice. Here we find those engaged in productive work such as fishing, hunting, mining, and agriculture. In this group, and with reference primarily to agriculture, he makes a further division consisting of the simple workers and their employers; that is, of those who rent the lands from the propriété foncière and hire their own workers for the cultivation of the soil. In the third class he makes four divisions comprising those engaged in manufacturing, merchandizing, transportation, and personal service.¹

The sovereign authority in the state is to be placed in the hands of an absolute monarch. The Physiocrats have in mind here the traditional hereditary monarchy that existed in France. This monarch would possess divinity, for his authority would be based upon the divine power just as is the natural law. As Mercier puts it: "L'autorité tutélaire doit être regardée comme étant d'institution divine, ainsi que les autres branches de l'ordre naturel et essentiel des sociétés ... sans l'établissement de cette autorité, leur société n'aurait pu ni se former ni subsister."²

The sovereign authority in the state must possess both the executive power and the legislative power. The executive power is necessary to enforce the natural laws, for in the state there might be some, badly acquainted with the natural laws, who would oppose their interests to those of the state. The executive power must exist then as a physical force which will compel the recalcitrant to obey. As Mercier puts it: "Ce que nous nommons autorité est le droit de commander, qui ne peut solidement exister, c'est-à-dire, ne rien perdre dans le fait, de ce qu'il est dans le droit, sans le pouvoir physique de se faire obéir."³

¹Op. cit., pp. 88-89.

²Op. cit., p. 98. See also Le Trosne, L'ordre social, p.

³Op. cit., p. 77.

Of the legislative power Le Trosne states: "Le pouvoir législatif consiste donc à déduire, à appliquer, à déclarer."¹ The sole duty of the sovereign as legislator then is to deduce the particular positive laws from the natural laws. Dubreuil states the function of the legislator very aptly when he says: "Il n'y a pas de place dans la société pour un légisfacteur, c'est-à-dire pour un créateur des lois. Il n'y a place que pour un législateur au sens littéral et étymologique de mot, c'est-à-dire un porteur de lois."²

The legislative and executive power must not be separated. Mercier declares here:

Dictier des lois positives c'est commander; et par la raison que nos passions sont trop orageuses pour que le droit de commander puisse exister sans le pouvoir physique de se faire obéir, le droit de dicter des lois ne peut exister sans le pouvoir physique de les faire observer. Il ne peut donc jamais être séparé de l'administration de la force publique et coercitive. Ainsi la puissance exécutive, celle qui dispose de cette force, est toujours et nécessairement puissance législative.³

That such a sovereign authority must be placed in the hands of one man is true for numerous reasons. Thus it is necessary to place the legislative power in the hands of a single sovereign, otherwise discord would result from the conflict and opposition of interests among men.⁴

Similarly, the Physiocrats appeal for absolute despotism by decrying the evils of democracy. Le Trosne tells us to consult the facts and see how representative government if it has not led to actual civil war has brought factional discord and division within the state.⁵ And Mercier points to the evils of popular assemblies and declares that when the executive, legislative and judicial powers are united in the hands of an assembly of the people nothing but disorder follows; and when such an assembly: "serait dispersée, il ne resterait plus après la dissolution de cette puissance arbitraire que des lois sans autorité, et un Etat

81. ¹L'ordre social, p. 53. See also Mercier, op. cit., p.

²Paul Dubreuil, Le Despotisme Legal (Paris, 1908), p. 67.

³Op. cit., pp. 78-79. ⁴Ibid., pp. 94-95.

⁵L'ordre social, pp. 249-50.

gouverné sans Etat gouvernant. ..."¹

Or they will argue for the necessity of a superior physical force and against the possibility of a division of sovereignty. Thus Mercier declares:

L'autorité, considérée dans l'action qui lui est propre, n'est que le pouvoir physique de se faire obéir, ce qui suppose une force physique supérieure. Or il est certainement évident qu'il ne peut se trouver en temps et dans une même société, deux forces physiques supérieures.²

A more important argument, however, is based directly on their natural law doctrine and brings out a new meaning to their conception of absolute despotism. Thus Mercier will argue that the evidence, the truth of the natural law is one, or absolute, in character and once it is known to men it unites them and governs them despotically. He states:

L'évidence qui est une ne peut présenter qu'un seul point de réunion pour les volontés et les forces; elle ne peuvent donc se diviser qu'autant qu'elle sont privées de l'évidence, ou du moins de la certitude qui la supplée, et qu'égarées ainsi par l'ignorance, elle se trouvent livrées à l'arbitraire.

Partant de l'évidence nous trouvons donc unité de volonté, de force et d'autorité; et cette autorité unique est la seule que l'ordre naturel et essentiel des sociétés puisse admettre, car cet ordre veut que l'évidence soit la règle de nos actions, puisque nous sommes tout à la fois organisés pour la connaître, et pour qu'elle asservisse sans violence toutes nos volontés.³

And he will argue that any division of authority in the state is contrary to the natural order for the following reasons:

... 1. Il divise l'autorité qui, par essence ne comporte point de partage. 2. Il expose l'intérêt public à toute la fureur des intérêts particuliers; il fait contraster ainsi le devoir avec les mobiles qui nous font agir. 3. Il attache au nombre des suffrages, une autorité despotique qui ne peut et ne doit appartenir qu'à l'évidence; par ce moyen ce n'est point l'évidence qui gouverne; c'est l'opinion, ou si l'on veut, c'est la volonté d'un certain nombre d'hommes livrés à une même opinion.⁴

Thus in a democratic or representative type of government authority is divided and opinion rules over men. But opinion will possess its force only through a majority rule. The minority

¹Op. cit., p. 97. See also Quesnay, op. cit., pp. 638-39.

²Op. cit., p. 99.

³Op. cit., pp. 99-100.

⁴Ibid., p. 106.

opinion in such a state will always feel that its position is the true one, and consequently this opens the way for discord and dissatisfaction. The citizens here will not be as truly united as they will be in a state where évidence rather than opinion rules. A truth of which all are convinced, the évidence of the natural law, will lead to social and political unity. And just as there is but one absolute truth, just as évidence is one, so there must exist in the state but one absolute authority, and that will be the authority of the natural law. Consequently, by despotism the Physiocrats mean legal despotism. The full meaning of this particular expression is stated clearly and forcefully by Mercier:

Elles est donc une autorité despotique, cette force irrésistible de l'évidence, cette force qui pour commander despotiquement à nos actions, commande despotiquement à nos volontés.

Le despotisme naturel de l'évidence amène le despotisme social: l'ordre essentiel de toute société est un ordre évident; et comme l'évidence a toujours la même autorité, il n'est pas possible que l'évidence de cet ordre soit manifeste et publique, sans qu'elle gouverne despotiquement.

C'est par cette raison que cet ordre essentiel n'admet qu'une seule autorité, et par conséquent un seul chef.¹

Above the despot as sovereign there will always be a higher and a true sovereign, above the despot's laws there will always be a supreme law, a natural judge lending or taking away authority from the laws of the despot. As Du Pont expresses it: "Il y a donc un Juge naturel et irrécusable des Ordonnances mêmes des Souverains; et ce Juge est l'évidence de leur conformité ou de leur opposition aux Loix naturelles de l'ordre social."²

We have already observed that the physical forces of the state are united in the hands of a single sovereign. It would seem then that in their conception of a legal despotism the Physiocrats endeavor to prevent arbitrary rule by the sovereign by the formation of the force of public opinion through the education of the people in the natural laws.³ And again the rule of the despot will be restricted by the fact that the sovereign is a co-proprietor of the lands of the state, and as such a co-proprietor his interests will be those of his subjects, for his revenues

¹Ibid., p. 129.

²De l'origine, p. 16.

³Quesnay, op. cit., p. 646.

are taken from the produit net and cannot increase except as the produit net for all concerned increases. Therefore, the impot unique placed on the produit net restricts the arbitrary rule of the sovereign, for if the impot unique is raised arbitrarily and not in accordance with the natural laws of production, then, although the sovereign might obtain a temporary increase of revenue, the net result would be to lower the revenues in the future and destroy the prosperity of the kingdom. As Dubreuil sums it up: "La forme et la proportion de l'impot est une garantie contre l'arbitraire du prince."¹

Finally, the establishment of the judiciary power in a body of Magistrates places a measure of restriction on the power of the sovereign and again reveals the extent to which the Physiocrats based the government of the state on the natural law.

The function of the Magistrates is to prevent error from creeping into the Legislator's interpretation of the natural law and in this way they look out for his interests and the interests of the nation. They remove the fear of the Legislator of error and are: "chargés de veiller sans cesse autour de l'autorité législative; de placer toujours entre elle et la mauvaise volonté des hommes ignorants ou mal intentionnés, le bouclier impénétrable de l'évidence; ..." ² These Magistrates are not liable to error for they possess a high degree of intelligence and have been trained in their profession. Furthermore, the laws of nature are sufficiently clear and simple to men of intelligence so as to obviate the possibility of error. ³ Again, the validity of the interpretation of the laws by the Magistrates rests upon the fact that they (the Magistrates) are in a very real sense the living expression of the laws of nature. They identify themselves with the laws as Mercier says: "Je dis, qui s'identifent, et cette expression n'a rien de forcé; car si les loix ne peuvent parler que par la bouche du Magistrat, les paroles du Magistrat ne peuvent être que l'expression des volontés des loix; elles habitent en lui; elles vivent et pensent en lui; et c'est parce que les loix et le Magistrat se confondent ainsi, que la sureté nécessaire aux loix doit être commune à la personne de Magistrat comme

¹Op. cit., p. 74. See also Le Trosne, L'ordre social, pp. 148-49.

²Mercier, op. cit., p. 87. ³Ibid., pp. 74-75.

organe des loix."¹

This does not mean that the Magistrates in the state will occupy any superior position to the sovereign and the nation. Although the Magistrates constitute a chosen few to interpret the laws they are not for that reason the sole guardians of the law. The true guardians of the law are the nation and the sovereign because they have the physical power necessary to maintain the law. More particularly, the sovereign may be regarded as the real custodian of the law because he commands and directs this physical power.²

Finally, Mercier admits that it is possible for the Magistrates to err and to prevent such errors he provides for the right of an appeal from their judgment to that of the sovereign. This does not give the sovereign any right of interpreting the laws, but merely provides for a review by him of the proceedings under which the Magistrates made their interpretation of the law in question. And as a final check upon the sovereign the legislative and the judiciary powers must be kept separate for the reasons that Mercier here indicates:

... si le Législateur était aussi Magistrat, il ne pourrait que couronner et consommer comme Magistrat, toutes les méprises qui lui seraient échappées comme Législateur. Si le Magistrat était aussi Législateur, les loix n'existant que par sa seule volonté, il ne serait point assujetti à les consulter pour juger; et il pourrait toujours ordonner comme Législateur ce qu'il aurait à décider comme Magistrat.³

Summarizing the political theory of the Physiocrats we may emphasize again how that theory centers around the concept of natural law. Thus with respect to the nature of despotism we find that it possesses two characteristics: First, it is a legal despotism based on the natural law; and second, this legal despotism finds expression not in a constitution nor in a parliament but in a monarch who possesses absolute power. The power of this absolute sovereign is dependent on the wealth of the landed proprietors and is derived by means of the impot unique in accordance with the natural laws of economic production. Finally, as we have seen, the restrictions against arbitrary rule by the sovereign are also founded on the natural law.

There are many moot points in their theory as we have

¹Ibid., pp. 68-69. . ²Ibid., p. 71. ³Ibid., p. 64.

outlined it and much criticism is naturally suggested. However, I wish to limit my criticism here to such points as affect the possible liberalism of their thought, which we shall consider at the end of this chapter.

Application of the Natural Law to the Economic Order

In a very explicit statement Quesnay relates the natural law to the economic order in the following manner: "Les lois naturelles de l'ordre des sociétés sont les lois physiques mêmes de la reproduction perpétuelle des biens nécessaire à la subsistance, à la conservation et à la commodité des hommes."¹

To appreciate the full meaning of this statement in its application to the economic order we must recall here that the Physiocrats restrict productivity solely to agriculture. As Weulerrse justly and accurately points out there were many reasons why the Physiocrats thought that agriculture alone was productive besides its relation to the natural law.² Thus he mentions here the appreciation the Physiocrats had of the need of increasing the revenues of the state, their belief in the moral and political superiority of an agricultural society, and their faith in the certainty of the wealth produced by agriculture. But the priority of agricultural production over other forms of production has a more fundamental and natural basis. Agriculture supplies the basic and essential needs of man, agriculture deals with primary materials and substances while manufacturing and commerce merely use these primary materials for the purpose of transforming them to the greater enjoyment and consumption by man. Baudeau defines here in exact terms the meaning of production: "C'est pourquoi, dans le langage économique, le mot reproduction signifie l'assemblage universel des subsistances et des matieres premieres, dont une partie doit être consommée subitement par les êtres vivants, l'autre usée lentement après avoir été plus ou moins façonnée."³ And he brings out explicitly the difference between agriculture as a productive art and manufacturing and commerce as sterile arts:

¹Op. cit., p. 642. See also Le Trosne, L'ordre social, p. 51.

²Op. cit., Vol. I, Book II, chap. 1. ³Op. cit., p. 5.

C'est qu'en effet l'un prépare et augmente la fécondité de la nature et de ses productions, l'autre se content d'en profiter. L'un s'occupe des productions futures pour en procurer la naissance, l'autre ne s'occupe que des productions déjà nées pour en préparer la jouissance ou la consommation.¹

A final argument for the exclusive productivity of agriculture is that it alone will effect a net product. Let us analyze this notion in a little more detail and see how it is based on the natural order of things.

An observation of nature revealed to the Physiocrats that certain commodities required by man for his subsistence were provided by nature spontaneously. Thus nature provides for man's needs game and fish, mineral resources, and products of vegetation. All these constitute gifts of nature to man but they are not to be acquired without labor on the part of man. The labor of man and what part he has to play in this productive activity will vary in accordance with the state of society. In primitive society man will satisfy his needs by direct appropriation, whereas in an advanced civilization his wants are indirectly satisfied and require more labor and activity on his part and those of his fellow members of society.

Agricultural production is natural in the sense that the soil and its potentialities are a gift of nature to man. But the realization of these potentialities depends upon the labor of man. Consequently, although agricultural production depends to a certain extent on man's efforts the real productive agent here is nature and not man. For it is nature that brings into being the primary materials required for man's subsistence. Production here is natural because plant life is reproductive in character; nature, that is, tends to reproduce itself, whereas the arts do not possess this quality. This is what the Physiocrats mean when they refer to agricultural production as reproduction. Man may aid in the process but nature and not he is the creator or producer. What man must do is study the physical laws of nature and learn how he may enhance the productivity of nature by different agricultural techniques. Out of this his reward will be twofold: from the sale of his products he can pay for his expenses of production and also derive a net return over and above these expenses of production. Only agriculture will yield this net return or produit net and this is due to the productivity of nature.

¹Ibid., p. 4.

When we examine industry and commerce we find that what we ordinarily term production is wholly of an artificial nature. Industry is productive only in the sense that it creates new forms for the primary materials already brought into being by nature. Thus Mercier says:

L'industrie est créatrice des formes, et ces formes ont leur utilité. C'est à raison de cette utilité, que celui qui veut jouir de ces formes nouvelles que l'industrie donne aux matières premières, doit l'indemniser de toutes ses dépenses, de toutes ses consommations, et en conséquence consent à cette addition de plusieurs valeurs pour n'en plus composer qu'une seule, qui devient ainsi le prix nécessaire de l'ouvrage qu'il veut acheter.¹

Quesnay makes another distinction to illustrate this point when he says: "Il faut distinguer une addition de richesses réunies, d'avec une production de richesses; c'est-à-dire une augmentation par réunion de matières premières et de dépenses de consommation de choses qui existaient auparavant, d'avec un génération ou création de richesses qui forme une renouvellement et un accroissement réel de richesses renaissantes."²

The sterility of industry is also emphasized by the complete subordination of industry to agriculture. For the priority of agriculture in the economic order makes possible in turn the support of industry. The establishment and the support of any industry will depend on wealth or capital and only agriculture is productive of that wealth necessary to make possible not only industry but also commerce. As Le Trosne puts it:

Il n'y a donc qu'une source commune de richesses, la terre: il n'y a qu'un travail productif de richesses, celui de la culture; il n'y a qu'un emploi de richesses qui fasse renaître les richesses, les avances de la culture. Tout le reste ne présente plus que consommation, distribution, dépense, circulation, changement de forme sans accroissement de biens, parce que l'homme travaille seul, et que son travail n'est productif qu'en raison du fonds sur lequel il s'exerce.³

Similar arguments establish the sterility of commerce. Mercier defines commerce as: "l'échange des chose usuelles pour parvenir à leur distribution dans les mains de leurs consommateurs,

¹Op. cit., p. 321.

²Quoted by Weulerrse, op. cit., I, 286-87.

³L'ordre social, p. 47.

de ceux enfin auxquels la jouissance en est destinée."¹

Commerce is not productive because it does not bring new commodities into existence but merely renders useful functions in transporting and merchandising goods. For if agriculture alone is productive then the goods of commerce must have their original source in agriculture. Furthermore, commerce is dependent on agriculture for its maintenance and existence. It is the surplus products and the wealth of agriculture that make possible the purchase of commodities in exchange. Even money that is used in commerce must first be acquired through the production of goods. Again, as Mercier points out: "Le commerce n'est qu'un échange de valeur pour valeur égale."² And out of an equal exchange of wealth nothing new is produced although a new utility may be created. Finally, there is no net product to be derived from commerce. For the merchant must pay his costs of operation and his own personal wages out of what he receives. Out of all this there is no net product or profit remaining.

If it be objected here that commerce seems to be productive of great wealth because of the existence of great commercial fortunes and of wealthy commercial nations, the Physiocratic answer would be that commercial fortunes result from exploitation and monopoly and that they lead to luxury and an impoverishment of the state, or that nations that become wealthy through commerce do so at the expense of other nations. Considerations like these were responsible for the pronounced antipathy of the Physiocrats toward the purchase of luxuries in France at that time. They believed that the financial crisis in France was due in good part to the superfluous expenditures on luxuries at the expense of agriculture. For only a certain portion of the total revenue of the state was calculated by them to go to the support of industry and commerce, all the rest was needed for the promotion of the prosperity of agriculture.³

The result of this analysis of agriculture, commerce and industry shows then with respect to the production of wealth that: "Toute la masse des richesses est donc créée d'abord par l'art fécond ou productif; l'art stérile ou infécond, ne fait donc que

¹Op. cit., p. 255.

²Ibid., p. 287.

³Baudeau, op. cit., p. 92. See also Le Trosne, L'ordre social, p. 219.

varier la maniere de jouir des richesses naturelles."¹

The Physiocrats believed that the analysis they gave of the nature of production revealed what is true of the natural order, namely, the exclusive productivity of agriculture and the subordination to it of the sterile arts of industry and commerce. If this natural subordination is maintained then we will be able to increase the productivity and wealth of the nation and by means of the produit net meet the costs of government. But in the France of their time this natural order between the three arts did not exist. Consequently, their problem was to restore what they conceived to be the natural laws of production and hence increase the wealth of the nation. They endeavor to effect this change by analyzing the needs of agriculture and advocating the use of the impot unique.

A primary need of agriculture is an increase in the amount of capital that may be used in agricultural production. For if we are to increase agricultural production we must improve the methods and techniques of agriculture and this will depend upon capital. This explains why the Physiocrats idealized La Grande Agriculture as opposed to petite agriculture. Large estates would lend themselves more readily to capital expansion and improvements than small estates, and large estates could be managed by fermiers instead of métayers. These fermiers would be agricultural capitalists and men with a profound knowledge of agricultural methods.

This need of agriculture for capital could be met indirectly by discouraging subsidies and privileges for commerce and industry, thus directing the flow of capital into agriculture. The establishment of monopolies in industry and commerce led to increased prices for their products and a corresponding impoverishment of agriculture. Again, the restrictions upon commerce, both internal and external through taxes and duties, tended to raise the price of their products involving a corresponding loss of revenue to agriculture. These effects can be clarified by pointing out that the whole laissez-faire policy of the Physiocrats toward industry and commerce was based upon two considerations: First, that any restriction or interference by the government with industry or commerce was a violation of the natural law

¹Baudeau, op. cit., p. 8.

which guaranteed the freedom of the individual and protected his property rights. Thus Le Trosne will say with respect to the freedom of commerce:

Si je suis libre, j'ai droit d'acheter et de vendre, ou, et à qui il me plaît. Si je suis propriétaire, j'ai droit de disposer de ma chose, et de l'échanger au prix qu'y met la libre concurrence. Les prohibitions de commerce attaquent donc directement la propriété; d'abord des productions dont elles font baisser le prix; ensuite des héritages mêmes, qui ne valent que par les fruits.¹

Second, that such restrictions have a disutility for agriculture and the state. To increase unjustly the flow of wealth to commerce and industry means to deprive agriculture of its proper share in the national income, and this leads to the impoverishment of the state, for agriculture is productive of wealth and industry and commerce are not.

As a corollary to this it would be necessary to secure a just price for the products of agriculture. Not by any fixing of prices on the part of the government but rather by encouraging an increase of consumption, particularly on the part of the lower classes. The most effective way of obtaining this increased consumption and the just price is to eliminate all the arbitrary and indirect taxes on industry, commerce, and the great majority of the consumers and levy but one tax (impot unique) upon the owners of land.

The Physiocratic conception of the impot unique depends upon their analysis of the productivity of agriculture and upon their efforts to calculate the costs of production of agriculture in an exact manner and to show precisely the relation between these costs and the costs of production of commerce and industry. Thus the impot unique is based on the produit net which is limited solely to agriculture. The produit net is the net product or the profit arising after all the costs of production of agriculture have been taken care of. Du Pont expresses it rather simply:

Quand on a prélevé sur les récoltes les reprises des Cultivateurs: ces sommes nécessaires pour faire les frais de la culture dans l'année suivante, et pour entretenir le fonds d'avances perpétuellement existantes en bestiaux, en instrumens. ... ces sommes dont la Nature exige et détermine impérieusement l'emploi annuel à l'exploitation de la terre; le reste se nomme le produit net.²

¹L'ordre social, p. 401.

²De l'origine, p. 14.

And Mercier relates even more explicitly these costs of production to the natural laws of production:

Dans le code physique nous trouvons trois loix immuables concernant la reproduction: la premiere porte que les avances de la culture, sans lesquelles il n'est point de reproductions, ne pourront être faites par les cultivateurs, qu'après les dépenses à faire par les propriétaires fonciers; la seconde ordonne expressément que ces doubles avances ne cesseront jamais de se renouveler dans leur ordre essentiel, suivant que le cours naturel de la destruction l'exige, et ce sous peine de l'anéantissement des produits et de la société: en conséquence, dit la troisieme loi, il est fait défense sous les peines ci-dessus énoncées, aux propriétaires fonciers, et à toute puissance humaine, de rien détourner de la portion qui doit être prélevée sur les produits, pour perpétuer ces mêmes avances.¹

The relation between these laws of production and the problem of taxation should be apparent. For agriculture to be productive at all certain costs are required--the avances primitives and the avances annuelles. Both of these are contributed by the propriétaire foncier out of the total revenue. The avances primitives involve capital expenditures needed for the clearing of the land, the erection of buildings, etc. The avances annuelles are those expenditures needed by the cultivators for the cultivation of the soil. The profits remaining from the sale of the products and after these expenditures have been deducted constitute the produit net out of which the tax must be taken. Any violation of this natural order and the natural laws of production leads to the impoverishment of the state. For any tax that is placed on industry or commerce must be taken out of the necessary costs of production in these arts, because industry and commerce do not yield a net product which can be taxed. Taxes placed on industry or commerce will lead to higher prices in order to make up for the increased costs of production and thus these taxes will increase disproportionately the amount of the national income that is owing to these arts. Such taxes will mean also a disproportionately lower amount of revenue for agriculture and this in turn can mean but a reduction in the amount of the avances primitives and the avances annuelles. And any decrease in these advances will entail a lessened productivity of agriculture and a corresponding impoverishment of the state, inasmuch as agriculture is the sole source of wealth.

¹Op. cit., p. 180.

Thus any indirect or arbitrary taxes, any taxes except the impôt unique violate the natural order, for the natural order reveals that only agriculture is truly productive. The natural order also reveals that there is a natural concurrence between the three arts with respect to the distribution of the national income. The Physiocrats were convinced that it should be possible to calculate in an exact manner the total costs of production of agriculture and the sterile arts and the proportion of the national income that should go to each of the arts. This conviction of theirs found expression in their vision of a science of economics. Thus Le Trosne will say:

... la science économique s'exerce sur des objets mesurables, est susceptible d'être une science exacte, et d'être soumise au calcul. Il lui fallait une formule particulière qui fût propre à son usage, et qui servit d'appui aux preuves tirées du raisonnement. Cette formule est le tableau économique. ... Il est construit sur les lois de la reproduction et de la distribution des richesses, sur des faits d'une évidence physique, qu'il suppose avoués, et d'après lesquels il opère sur des quantités données qui sont nécessairement hypothétiques comme dans toute opération d'arithmétique ou d'algèbre. Le résultat est juste lorsque les données ont été bien posées.¹

The importance of mathematical exactitude in economics is also emphasized in a manuscript of Mirabeau recently published by M. Weulerrse: "la science économique est approfondie et développée par l'examen et par le raisonnement; mais sans les calculs, elle serait toujours une science indéterminée, confuse et livrée partout à l'erreur et au préjugé."²

The faith of the Physiocrats in mathematical method finds expression in the Tableau Economique, which constitutes a formulation of the circulation of wealth in society. The Tableau Economique was the discovery of Quesnay and was accepted enthusiastically by his disciples--Mirabeau even ranking it in importance with the invention of printing. To illustrate the circulation of wealth in society Quesnay posits in his Tableau Economique a simple economic situation for analysis:

Pour suivre et calculer clairement les rapports de ces différentes classes entre elles, il faut se fixer à un cas

¹L'ordre social, p. 320.

²Georges Weulerrse, Les Manuscrits Economiques de Francois Quesnay et du Marquis de Mirabeau aux archives nationales (Paris, 1910), p. 46.

quelconque; car on ne peut établir un calcul positif sur des simples abstractions.

Supposons donc un grand royaume dont le territoire, porté à son plus haut degré d'agriculture, rapporterait tous les ans une reproduction de la valeur de cinq milliards, et où l'état permanent de cette valeur serait établi sur les prix constant qui ont cours entre les nations commerçantes, dans le cas où, il y a constamment une libre concurrence de commerce et une entière sûreté de la propriété des richesses d'exploitation de l'agriculture.¹

Then he proceeds to show by a series of calculations and by the ziczac, as it was termed by his followers, how this assumed fund is proportioned in an exact manner between the three different classes of society in order to account for the costs of production in agriculture, the purchasing of commodities from the sterile arts, and the production of the net surplus. His principal point is to show by means of figures and the ziczac how this fund circulates and how it tends to reproduce itself for the benefit of all three classes from one year to the next and yield a net profit to agriculture if we grant that prices and costs of production remain constant.

It is obvious of course that the calculations embodied in the Tableau Economique depend upon certain vital assumptions which economists have long since discarded, such as the exclusive productivity of agriculture and the determination of value by costs of production. Again, one might accuse the Physiocrats of oversimplifying the economic situation in order to make their mathematical calculations come out evenly. But I think they had a due appreciation of the complexity of the economic phenomena of a country, and that they did not intend by means of the Tableau Economique to establish any magical formula that would act as a solvent of all the economic ills of a nation. Even though their mathematical method is inadequate, based as it is on invalid assumptions, the Physiocrats did have a vision of the future and pointed the way toward the goal of economists of the present. The Tableau Economique is a concrete embodiment of this vision, and this is its significance. It is representative of their faith in a mathematical method and in this way looked to the establishment of economics as a science. This conception of economics as a science is based also on the natural law. It is the natural law, the Physiocrats believed, which determines the

¹Op. cit., p. 309.

economic organization of society, the relations between the different arts, the creation of the produit net, and the establishment of the impot unique. But their description of the natural law in its application to the economic order is a description of an ideal, of what ought to be in the economic order, and is dependent for its validity on the basic assumptions which the Physiocrats make. Although the Physiocrats anticipated the science of economics of the future, they idealized an agricultural economy and lacked a vision of the coming industrial economy.

Laissez-Faire and Liberalism

The doctrine of the natural law is the foundation for the elements of liberalism that appear in the social philosophy of the Physiocrats. Their liberalism is often expressed in the famous phrase *laissez faire*, by which they mean that the individual in both the economic and political order must be free from any arbitrary interference by the government in his activities.¹ Government is relatively unnecessary because man knows the natural law and will adjust his economic, political, and moral behavior in accordance with this law.

In the economic order man must be granted freedom to follow the natural laws of production. As we have indicated governmental interference here disrupts the natural order and throws out of balance the natural relationships of the different arts of production. The natural laws of production lead of their own necessity to the increasing wealth and prosperity of the nation. Monopolies for industry and restrictions on trade are contrary to the natural order and will bring economic decline. However, the government may encourage agricultural production and it may take a portion of the produit net in order to pay the costs of protection and security, but on the whole it must leave the productive process to the interests of the individual in accordance with the natural laws.

In the political order the natural laws lead to a legal

¹The origin of this phrase has often been attributed to Gournay, whom we have indicated was not a Physiocrat. Research has revealed that he was not the author of this phrase. For a full discussion of the origins of this phrase see Secrestat-Escande, *op. cit.*, pp. 133-34, or the essay by Oncken in his edition of the works of Quesnay, *op. cit.*, pp. 796-814.

despotism, and although this legal despotism is represented in the person of a sovereign, any arbitrary rule on the part of the sovereign is restricted in the manner that we have already described. If in view of these restrictions we ask just what there remains for the sovereign to do, we have the answer of Quesnay to the Dauphin:

Que feriez-vous si vous étiez roi? lui disait le prince.
Je ne ferais rien.
Et qui gouvernait?
Les lois.¹

Although this statement expresses admirably the essence of their laissez-faire ideal, we know from our analysis of the different branches of the government and the powers of the sovereign that they did not intend government to be completely negative in content. According to Baudeau the art of government has but three objects or purposes, namely, instruction, protection and administration.² By instruction he means primarily instruction in the natural law; by protection, the guarantee of property rights of individuals founded on the natural law; and by administration, the assurance of obedience to the laws and the reconciliation of the interests of different individuals and groups in accordance with the natural law.

Now it may be objected that the legal despotism, despite the restrictions placed upon it does not have a sufficient guarantee. Suppose that the sovereign enacts arbitrary positive laws harmful to the nation and that the nation is aware of this through its knowledge of the natural law even though the sovereign is not. Is there any specific remedy for the people in such a case? Mercier's answer does not confer upon the people explicitly the right of revolution but he reaches much the same result for he states that under a purely arbitrary despotism there would no longer be government, nation, nor subjects. Logically, the people, even though no longer subjects of the sovereign, would not have a right to revolt because right arises from the natural law and can have no place where there is no union of men as in a nation. Actually, instead of a revolution you would have a complete decadence of society under arbitrary rule, and thus the same result would be accomplished. According to Mercier:

¹Cited by Dubreuil, op. cit., p. 72. ²Op. cit., p. 9.

... un despote arbitraire commande, mais ne gouverne pas: par la raison que sa volonté arbitraire est au-dessus des loix qu'il institue arbitrairement, on ne peut pas dire qu'il y ait des loix dans ses états; or un gouvernement sans loix est une idée qui implique contradiction; ce n'est plus un gouvernement. A la faveur d'une force empruntée ce despote commande donc à des hommes que cette force opprime; mais ces hommes ne sont point des sujets, et ne forment point ce qu'on peut appeller une nation, c'est-à-dire, un corps politique dont tous les membres sont liés les uns aux autres, par une chaîne de droits et de devoirs réciproques, qui tiennent l'Etat gouvernant et l'Etat gouverné inséparablement unis pour leur intérêt commun.¹

It may also be argued that this legal despotism is not a sufficient guarantee because, in spite of the restrictions placed on the sovereign, he does possess the absolute physical power in the state and although legally his functions are limited to instruction, protection and administration in accordance with the natural law, actually there exists the possibility of arbitrary rule.

It should be observed, however, that the underlying purpose of this legal despotism is to safeguard the rights of the individual. The liberalism of the Physiocrats here is similar to what we would designate today as individualism. As Dubreuil states it: "la doctrine politique des physiocrates avait une base entièrement libérale; le respect de l'individu, et ce respect de l'individu est poussé tres loin."² Their individualism, however, loses much of its force and substantiality because they did not concern themselves equally with political guarantees as well as legal guarantees for the rights of the individual. It might have been better if in their argument from the despotism of the laws and the unity of evidence to an absolute sovereign they had permitted the absolute power to be expressed in a constitution.³ Dubreuil brings out very definitely this apparent defect in their political theory:

Ils ont placé les libertés naturelles avant les libertés politiques et établi la nécessité des premières avant d'examiner les secondes. C'est là le vrai fondement du libéralisme, la liberté politique n'étant que la garantie des autres libertés. Mais si la liberté politique est le fondement des

¹Op. cit., p. 133.

²Op. cit., p. 47.

³It may be noted here that of all the Physiocrats Du Pont seems to have been the only one who did not subscribe to absolute despotism. He accepted a parliamentary type of government and at one time was president of the Constituent Assembly.

libertés naturelles, elle n'en est pas moins nécessaire a titre de garantie. Les Physiocrates méconnaissent cette vérité en confiant à un pouvoir absolu, qu'il s'appellent despotisme légal, la garantie de la liberté naturelle.¹

On the other hand, it may rightly be contended that the form of government is not all important for the creation of a liberal state. That it is just as possible, and perhaps more efficient, to secure the rights of the individual and to bring prosperity to the state under absolute rule as under democratic rule. But even the liberalism of a state governed by an absolute despot must perforce look to the interests of all individuals if it is to be regarded as truly liberal. And it would appear that the Physiocrats were more concerned for the interests of a particular class than for the nation as a whole. Thus the natural law leads to the establishment of private property in land and demands the protection of that right to property and the freedom to enjoy it. To this must be added the Physiocratic ideal of Grande Agriculture and the fact that in their economic system the production of wealth is dependent on the land. Again, they uphold the principle of inequality and make provision for a division of the state into different classes. Likewise, although their insistence upon education seems to be a liberal principle, the primary purpose of that education is instruction in the validity of the natural laws which in turn guarantee the particular type of social order that the Physiocrats would establish. Finally, the administration of the government is not to be of a democratic or representative character, nor should it be placed even at the most in the hands of any other than the landowning class. For as Du Pont remarks in one of his letters to Jefferson:

Municipal and sovereign rights, the right to sit and deliberate in political assemblies, that of voting, that of promulgating and executing the laws, belong exclusively to landowners, because these only are members of a particular republic, having a stretch of land and the duty of administering it.

The country belongs to those who can sell it, and they have powerful reasons for keeping it and governing it well.²

¹Op. cit., p. 52.

²Correspondence between Thomas Jefferson and P. S. Du Pont de Nemours (1798-1817), ed. Dumas Malone, trans. Linwood Lehman (New York, 1930), pp. 141-42.

Le Trosne also attaches considerable importance to the landowning class and declares:

La classe qui par son travail et ses avances, nourrit et entretient toute la société, est la classe attachée à la culture; la classe qui fournit véritablement la dépense publique, est la classe des propriétaires. Les autres citoyens sont dans la nation; mais ils ne sont pas proprement la nation: car ils ne tiennent pas proprement au territoire; ils peuvent transporter ailleurs leur industrie et leurs capitaux; et par rapport à l'impôt ils ne sont pas vraiment contribuables.¹

When we reflect upon the period in which the Physiocrats wrote and when we consider the political turmoil of our own time, there is much that we can say to the credit of the Physiocrats and the social philosophy they created. Despite our criticism there is much in their doctrine that may be designated as liberal.

Let us recall here that the confidence of the Physiocrats in their doctrine did not lead them to fanaticism. They were willing and they provided the means whereby their doctrines could be subject to debate and discussion. They sponsored the cause of education, the freedom of the press, and freedom of discussion. They were not afraid to submit their doctrine to such acid tests--this alone should be sufficient to stamp their cause as a liberal one.

We ought to observe too that although their doctrine does extend greater benefit to a particular class and although they upheld a principle of inequality, nevertheless they believed that in this way they would be able to assure a greater prosperity to the entire nation. And in their analysis of the impôt unique they did consider the benefits that would redound to the other classes through the imposition of this impôt unique. The removal of indirect taxes would operate they believed for the benefit of all, but in particular it would mean increased consumption on the part of the working classes and a higher standard of living for them. Clearly this may be regarded as liberal when we consider the economic and social conditions of pre-revolutionary France.

In fact, the greater contribution of the Physiocrats, the greater element of liberalism, lies more in their economic philosophy than in their political philosophy. We have seen that they were active as reformers, that they not merely wrote but

¹L'ordre social, p. 405.

also worked for the improvement of agriculture, the abolition of unfair and arbitrary taxes, and the improvement of trade and the removal of restrictions upon it. They believed implicitly that they had discovered and created a science of economics. Finally, their conception of laissez faire is not wholly negative of content but possesses a positive content in the reforms which they struggled for. The government they believed must be eliminated from a control of the economic order, because the government had erred. It was the government that had placed restrictions on trade, levied arbitrary taxes and favored industry at the expense of agriculture. Laissez faire means then the elimination of these abuses and a return of the government of the economic order to the laws of nature.

All of their faith and conviction crystallizes in this notion of the natural law. Their faith and conviction in the supremacy of the natural law is reflected in their belief that through the natural law the social order can be changed in accordance with a scientific method to effect the betterment and the progress of man. The supremacy of this law will guarantee the prosperity of the economic order, the security of the political order, and the summum bonum of the moral order.

BIBLIOGRAPHY

Primary Sources

- Baudeau, Nicolas. Premiere Introduction a la Philosophie Economique. Paris, 1910.
- Cantillon, Richard. Essai sur la Nature du Commerce en General. Edited by Henry Higgs. London, 1931.
- Cumberland, Richard. A Philosophical Inquiry into the Laws of Nature. Translated by John Towers. Dublin, 1750.
- Daire, Eugene. Physiocrates. Paris, 1846.
- Du Pont de Nemours, P.S. De l'origine et des Progres d'une Science Nouvelle. 4th ed. Paris, 1910.
- _____. Physiocratie, ou Constitution Naturelle du Gouvernement le Plus Avantageux au Genre Humain. Leyden, 1768.
- _____. Lettres ecrites de la prison de la Force. Edited by Chinard. Paris, 1929.
- _____. Correspondence between Thomas Jefferson and P. S. Du-Pont de Nemours (1798-1817). Edited by Dumas Malone. Translated by Linwood Lehman. New York, 1930.
- Gournay, Vincent, and Blervache, S. Clicquot de. Considerations sur les compagnies, societes et maitrises. London, 1758.
- Helvetius, C. A. De l'esprit. Paris, 1843.
- Le Mercier de la Riviere. L'ordre naturel et essentiel des societes politiques. Paris, 1910.
- _____. Lettre de Mercier de la Riviere a Messieurs les Deputes composant le Comite des Finances dans l'Assemble Nationale. Paris, 1768.
- Le Trosne, Gustave F. Discours sur l'etat actuel de la magistrature, et sur les causes de sa decadence. Paris, 1764.
- _____. La liberte du commerce des grains, toujours utile et jamais nuisible. Paris, 1765.
- _____. Recueil de plusieurs morceaux economiques. Amsterdam, 1768.
- _____. De l'ordre social. Paris, 1777.
- _____. De l'interet social. Paris, 1777.

Le Trosne, Gustave F. Examen de ce que content au roi et a la nation la gabelle et le tabac. Paris, 1777.

_____. De l'administration provinciale, et de la reforme de l'impot. Paris, 1788.

Locke, John. Two Treatises on Civil Government. London, 1884.

Mably, l'abbe de. Collection des oeuvres completes. Paris, 1794-95.

Mirabeau, Marquis de. L'ami des hommes. Avignon, 1758.

_____. Theorie de l'impot; ou Traite de la population. Paris, 1761.

_____. Philosophie Rurale. Amsterdam, 1766.

_____. Lecons Economiques. Amsterdam, 1766.

_____. Lettres sur la Legislation. 3 vols. Berne, 1775.

Montesquieu, Baron C. L. de. Esprit des lois. Paris, 1793.

Quesnay, Francois. Oeuvres. Edited by A. Oncken. Paris, 1888.

Turgot, Robert. Oeuvres. Edited by Gustave Schelle. Paris, 1913.

Voltaire, Francois Marie Arouet de. "L'homme aux quarante ecus," Romans de Voltaire (Paris, 1829), II, 229-97.

Weulerrse, Georges. Les Manuscrits Economiques de Francois Quesnay et du Marquis de Mirabeau aux archives nationales (M. 778-785). Paris, 1910.

Secondary Sources

Atger, Frederic. Essai sur l'histoire des doctrines du contrat social. Paris, 1906.

Baudrillart, Henri. Etudes de philosophie moral et d'economie politique. Paris, 1858.

Brocard, Lucien. Les Doctrines Economiques et Sociales du Marquis de Mirabeau. Paris, 1902.

Cheinisse, Leon. Les Idees Politiques des Physiocrates. Paris, 1914.

Dubois, A. L'evolution de la notion de droit naturel anterieurement aux Physiocrates. Paris, 1908.

Dubreuil, Paul. Le Despotisme Legal. Paris, 1908.

Du Pont, B. G. Du Pont de Nemours. New York, 1933.

Espinass, Alfred. Histoire des doctrines economiques. Paris, 1892.

- Espinas, Alfred. La philosophie sociale du xviii siecle et la revolution francaise. Paris, 1898.
- Faguet, Emile. Dix-huitieme siecle. Paris, 1890.
- Franck, A. Reformateurs et Publicistes de l'Europe; dix-huitieme siecle. Paris, 1893.
- Gierke, Otto. Natural Law and the Theory of Society 1500 to 1800. Translated by Ernest Barker. Cambridge, 1934.
- Guyot, Yves. Quesnay et la physiocratie. Paris, 1896.
- Hasbach, Wilhelm. Die allgemeinen philosophischen grundlagen der von Francois Quesnay und Adam Smith begründeten politischen ökonomie. Leipzig, 1890.
- Hearnshaw, F.J.C. The Social and Political Ideas of Some Great French Thinkers of the Age of Reason. London: Harrap, 1930.
- Higgs, Henry. The Physiocrats. London, 1897.
- Larkin, Rev. Paschal. Property in the Eighteenth Century. Cork: Cork University Press, 1930.
- Laski, Harold. The Rise of Liberalism. London, 1936.
- Lavergne, Leonce de. Les economistes francais du dix-huitieme siecle. Paris, 1870.
- Lorion, Andre. Les theories politiques des premiers Physiocrates. Paris, 1918.
- Mille, Jerome. Une Physiocrate oublie: G. F. Le Trosne. Paris, 1905.
- Mornet, Daniel. French Thought in the Eighteenth Century. Translated by Lawrence Levin. New York: Prentice-Hall, 1929.
- Pervinquiere, Louis. Notion de Productivite dans La Physiocratie. Paris, 1906.
- Richner, Edmund. Le Mercier de la Riviere. Zurich, 1931.
- Sabine, George H. History of Political Theory. New York: Henry Holt, 1937.
- Schelle, Gustave. Du Pont de Nemours. Paris, 1888.
- _____. Vincent de Gournay. Paris, 1897.
- Secrestat-Escande, Georges. Les Idees economiques de Vincent de Gournay. Bordeaux, 1911.
- Weulerrse, Georges. Le Mouvement Physiocratique. Paris, 1910.

